federal register

TUESDAY, JUNE 15, 1971
WASHINGTON, D.C.

Volume 36 ■ Number 115
Pages 11495–11551

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

(Continued inside)

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Contents

(Continued on next page)

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1971, and specifies how they are affected.

3 CFR

EXECUTIVE ORDERS:
11513 (amended by EO 11597) ---- 11501
11597 ---- 11501

7 CFR

908 ---- 11509
910 ---- 11509
915 ---- 11509
1098 ---- 11511
1103 ---- 11511
1104 ---- 11511
1106 ---- 11511

PROPOSED RULES:
999 ---- 11519

9 CFR

76 ---- 11508

12 CFR

564 ---- 11512
748 ---- 11512

13 CFR

PROPOSED RULES:
121 (3 documents) ---- 11525, 11526

14 CFR

39 ---- 11512
71 ---- 11513

PROPOSED RULES:
39 ---- 11522
71 (3 documents) ---- 11523, 11524

17 CFR

240 ---- 11513

19 CFR

PROPOSED RULES:
153 ---- 11526

21 CFR

3 ---- 11514
141 ---- 11515
145 ---- 11516
146 ---- 11516
148 ---- 11516
151g ---- 11516
420 ---- 11517

PROPOSED RULES:
3 (2 documents) ---- 11521
125 ---- 11521

26 CFR

301 ---- 11503

29 CFR

20 ---- 11505

32 CFR

1801 ---- 11505

39 CFR

Ch. I ---- 11505

41 CFR

14-1 ---- 11506

49 CFR

571 ---- 11508

PROPOSED RULES:
178 ---- 11524

Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11597

Amendment to Executive Order No. 11513 Increasing the Membership of the President's Commission on School Finance

By virtue of the authority vested in me by the Constitution and statutes of the United States, Section 1(b) of Executive Order No. 11513[1] of March 3, 1970, is amended by deleting "sixteen" and inserting "eighteen".

Richard Nixon

THE WHITE HOUSE,
June 11, 1971.

[FR Doc.71-8451 Filed 6-11-71;3:59 pm]

[1] 3 CFR, 1970 Comp., p. 102; 35 F.R. 4113.

Rules and Regulations

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7127]

PART 301—PROCEDURE AND ADMINISTRATION

Exempt Organizations and Certain Trusts; Additional Amounts and Penalties

On February 17, 1971, notice of proposed rule making with respect to the amendments of the regulations on Procedure and Administration (26 CFR Part 301) under sections 6652, 6684, 6685, and 7207 of the Internal Revenue Code of 1954 to conform the regulations to changes made by sections 101 (c), (d) (4), (e) (4) and (5) of the Tax Reform Act of 1969 (83 Stat. 519, 522, 524) was published in the FEDERAL REGISTER (36 F.R. 3067). After consideration of all such relevant matters as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Paragraph (f) of § 301.6652–2, as set forth in paragraph 3 of the notice of proposed rule making is revised.

PAR. 2. Paragraph (b) of § 301.6684–1, as set forth in paragraph 5 of the notice of proposed rule making, is revised.

(Sec. 7805, Internal Revenue Code of 1954, (68A Stat. 917; 26 U.S.C. 7805)

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of the Internal Revenue.

Approved: June 8, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

In order to conform the regulations on procedure and Administration (26 CFR Part 301) under sections 6652, 6684, 6685, and 7207 of the Internal Revenue Code of 1954 to sections 101 (c), (d) (4), (e) (4), and (e) (5) of the Tax Reform Act of 1969 (83 Stat. 519, 522, 524), such regulations are amended as follows:

PARAGRAPH 1. Section 301.6652 is amended by redesignating paragraph (d) of section 6652 as (e) and by adding a new paragraph (d) to section 6652 and by revising the historical note. These amended and added provisions read as follows:

§ 301.6652 Statutory provisions; failure to file certain information returns.

SEC. 6652. *Failure to file certain information returns.*

* * * * *

(d) *Returns by exempt organizations and by certain trusts—(1) Penalty on organization or trust.* In the case of a failure to file a return required under section 6033 (relating to returns by exempt organizations), section 6034 (relating to returns by certain trusts), or section 6043(b) (relating to exempt organizations), on the date and in the manner prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause there shall be paid (on notice and demand by the Secretary or his delegate and in the same manner as tax) by the exempt organization or trust failing so to file, $10 for each day during which such failure continues, but the total amount imposed hereunder on any organization for failure to file any return shall not exceed $5,000.

(2) *Managers.* The Secretary or his delegate may make written demand upon an organization failing to file under paragraph (1) specifying therein a reasonable future date by which such filing shall be made, and if such filing is not made on or before such date, and unless it is shown that failure so to file is due to reasonable cause, there shall be paid (on notice and demand by the Secretary or his delegate and in the same manner as tax) by the person failing so to file, $10 for each day after the expiration of the time specified in the written demand during which such failure continues, but the total amount imposed hereunder on all persons for such failure to file shall not exceed $5,000. If more than one person is liable under this paragraph for a failure to file, all such persons shall be jointly and severally liable with respect to such failure. The term "person" as used herein means any officer, director, trustee, employee, member, or other individual who is under a duty to perform the act in respect of which the violation occurs.

(3) *Annual reports.* In the case of a failure to file a report required under section 6056 (relating to annual reports by private foundations) or to comply with the requirements of section 6104(d) (relating to public inspection of private foundations' annual reports), on the date and in the manner prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause, there shall be paid (on notice and demand by the Secretary or his delegate and in the same manner as tax) by the person failing so to file or meet the publicity requirement, $10 for each day during which such failure continues, but the total amount imposed hereunder on all such persons for such failure to file or comply with the requirements of section 6104(d) with regard to any one annual report shall not exceed $5,000. If more than one person is liable under this paragraph for a failure to file or comply with the requirements of section 6104 (d), all such persons shall be jointly and severally liable with respect to such failure. The term "person" as used herein means any officer, director, trustee, employee, member, or other individual who is under a duty to perform the act in respect of which the violation occurs.

(e) *Alcohol and tobacco taxes.* For penalties for failure to file certain information returns with respect to alcohol and tobacco taxes, see, generally, subtitle E.

[Sec. 6652 as amended by sec. 85, Technical Amendments Act 1958 (72 Stat. 1664); sec. 19(d), Rev. Act 1962 (76 Stat. 1057); sec. 221(b) (2), Rev. Act 1964 (78 Stat. 74); sec. 313(e) (2) (B) and (3), Social Security Amendments, 1965 (79 Stat. 385); sec. 101 (d) (4), Tax Reform Act of 1969 (83 Stat. 522)]

PAR. 2. Section 301.6652–1 is amended by revising paragraphs (e) and (f) to read as follows:

§ 301.6652–1 Failure to file certain information returns.

* * * * *

(e) *Manner of payment.* The amount imposed under subsection (a), (b), or (c) of section 6652 and this section on any person shall be paid in the same manner as tax upon the issuance of a notice and demand therefor.

(f) *Showing of reasonable cause.* The amount imposed by subsection (a), (b), or (c) of section 6652 shall not apply with respect to a failure to file a statement within the time prescribed if it is established to the satisfaction of the district director or the director of the internal revenue service center that such failure was due to reasonable cause and not to willful neglect. An affirmative showing of reasonable cause must be made in the form of a written statement, containing a declaration that it is made under the penalties of perjury, setting forth all the facts alleged as a reasonable cause.

* * * * *

PAR. 3. Immediately following § 301.6652–1 there is added a new § 301.6652–2 which reads as follows:

§ 301.6652–2 Failure by exempt organizations and certain trusts to file certain returns or annual reports or to comply with section 6104(d) for taxable years beginning after December 31, 1969.

(a) *Exempt organization or trust.* In the case of a failure to file a return required by—

(1) Section 6033, relating to returns by exempt organizations,

(2) Section 6034, relating to returns by certain trusts, or

(3) Section 6043(b), relating to returns regarding the liquidation, dissolution, termination, or substantial contraction of an exempt organization,

within the time and in the manner prescribed for filing such return (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause,

there shall be paid by the exempt organization or trust failing to file such return $10 for each day during which such failure continues. However, the total amount imposed on any exempt organization or trust under this paragraph for such failure with regard to any one return shall not exceed $5,000.

(b) *Managers.* If an exempt organization or trust fails to file under section 6652(d)(1), the Commissioner may, by written demand, request that such organization or trust file the delinquent return within 90 days after the date of mailing of such demand, or within such additional period as the Commissioner shall determine is reasonable under the circumstances. If such organization or trust does not so file on or before the date specified in such demand, there shall be paid by the person or persons responsible for such failure to file $10 for each day after such date during which such failure continues, unless it is shown that such failure is due to reasonable cause. However, the total amount imposed under this paragraph on all persons responsible for such failure with regard to any one return shall not exceed $5,000.

(c) *Annual reports*—(1) *In general.* In the case of a failure—

(i) To file the annual report required under section 6056, relating to annual reports by private foundations, or

(ii) To comply with the requirements of section 6104(d), relating to public inspection of private foundations' annual reports,

within the time and in the manner prescribed for filing such report or complying with section 6104(d) (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause, there shall be paid by the person or persons responsible for failing to file such report or to comply with section 6104(d) $10 for each day during which such failure continues. However, the total amount imposed under this subparagraph on all persons responsible for any such failure with regard to any one annual report shall not exceed $5,000.

(2) *Amount imposed.* The amount imposed under section 6652(d)(3) is $10 per day for a failure to file the annual report and $10 per day for a failure to comply with section 6104(d). For example, assume that an annual report must be filed by X private foundation on or before May 15, 1972, for calendar year 1971. Such foundation without reasonable cause does not file the report until May 29, 1972. Further, the foundation without reasonable cause does not comply with section 6104(d) by publishing notice of the availability of the annual report until July 30, 1972. In this case, the person failing to file the report and to comply with section 6104(d) within the prescribed time is required to pay $900, $140 for filing the report 14 days late, and $760 for complying with section 6104(d) 76 days late.

(3) *Cross reference.* For the penalty for willful failure to file the annual report and notice required under section 6056 or to comply with section 6104(d), see § 301.6685–1.

(d) *Special rules.* For purposes of section 6652(d) and this section—

(1) *Person.* The term "person" means any officer, director, trustee, employee, member, or other individual whose duty it is to perform the act in respect of which the violation occurs.

(2) *Liability.* If more than one person (as defined in subparagraph (1) of this paragraph) is liable for a failure to file or to comply with section 6652(d)(2) or (3), all such persons shall be jointly and severally liable with respect to such failure.

(e) *Manner of payment.* The amount imposed under section 6652(d) and this section on any exempt organization, trust, or person (as defined in paragraph (d)(1) of this section) shall be paid in the same manner as tax upon the issuance of a notice and demand therefor.

(f) *Showing of reasonable cause.* No amount imposed by section 6652(d) shall apply with respect to a failure to file or comply under this section if it is established to the satisfaction of the district director or director of the internal revenue service center that such failure was due to reasonable cause. An affirmative showing of reasonable cause must be made in the form of a written statement containing a declaration by the appropriate person (as defined in paragraph (d)(1) of this section), or in his absence, by any officer, director, or trustee of the organization, that the statement is made under the penalties of perjury, setting forth all the facts alleged as reasonable cause.

(g) *Group returns.* If a central organization is authorized to file a group return on behalf of two or more of its local organizations for the taxable year in accordance with paragraph (d) of § 1.6033–2 (Income Tax Regulations), the responsibility for timely filing of such a return is placed upon the central organization for purposes of this section. Consequently, the amount imposed by section 6652(d)(1) for failure to file the group return shall be paid by the central organization and the amount imposed by section 6652(d)(2) for failure to file the group return within the time prescribed by the Commissioner shall be paid by the person or persons responsible for filing the group return.

(h) *Effective date.* This section shall apply for taxable years beginning after December 31, 1969.

PAR. 4. A new § 301.6684 and an historical note are added immediately before new § 301.6684–1. These added provisions read as follows:

§ 301.6684 Statutory provisions; assessable penalties with respect to liability for tax under chapter 42.

SEC. 6684. *Assessable penalties with respect to liability for tax under chapter 42.* If any person becomes liable for tax under any section of chapter 42 (relating to private foundations) by reason of any act or failure to act which is not due to reasonable cause and either—

(1) Such person has theretofore been liable for tax under such chapter, or

(2) Such act or failure to act is both willful and flagrant,

then such person shall be liable for a penalty equal to the amount of such tax.

[Sec. 6684 as added by sec. 101(c), Tax Reform Act 1969 (83 Stat. 519)]

PAR. 5. A new § 301.6684–1 is added immediately before new § 301.6685 and reads as follows:

§ 301.6684–1 Assessable penalties with respect to liability for tax under chapter 42.

(a) *In general.* If any person (as defined in section 7701(a)(1)) becomes liable for tax under any section of chapter 42 (other than section 4940 or 4948(a)), relating to private foundations, by reason of any act or failure to act which is not due to reasonable cause and either—

(1) Such person has theretofore (at any time) been liable for tax under any section of such chapter (other than section 4940 or 4948(a)), or

(2) Such act or failure to act is both willful and flagrant,

then such person shall be liable for a penalty equal to the amount of such tax.

(b) *Showing of reasonable cause.* The penalty imposed by section 6684 shall not apply to any person with respect to a violation of any section of chapter 42 if it is established to the satisfaction of the district director or director of the internal revenue service center that such violation was due to reasonable cause. An affirmative showing of reasonable cause must be made in the form of a written statement, containing a declaration by such person that it is made under the penalties of perjury, setting forth all the facts alleged as reasonable cause.

(c) *Willful and flagrant.* For purposes of this section, the term "willful and flagrant" has the same meaning as such term possesses in section 507(a)(2)(A) and the regulations thereunder.

(d) *Effective date.* This section shall take effect on January 1, 1970."

PAR. 6. A new § 301.6685 and an historical note are added immediately before new § 301.6685–1. These added provisions read as follows:

§ 301.6685 Statutory provisions; assessable penalties with respect to private foundation annual reports.

SEC. 6685. *Assessable penalties with respect to private foundation annual reports.* In addition to the penalty imposed by section 7207 (relating to fraudulent returns, statements, or other documents), any person who is required to file the report and the notice required under section 6056 (relating to annual reports by private foundations) or to comply with the requirements of section 6104(d) (relating to public inspection of private foundations' annual reports) and who fails so to file or comply, if such failure is willful, shall pay a penalty of $1,000 with respect to each such report or notice.

[Sec. 6685 as added by sec. 101(c)(4), Tax Reform Act 1969 (83 Stat. 524)]

PAR. 7. A new § 301.6685–1 is added immediately before § 301.6801 and reads as follows:

§ 301.6685–1 Assessable penalties with respect to private foundation annual reports.

(a) *In general.* In addition to the penalty imposed by section 7207, relating to fraudulent returns, statements, or other documents, any person (as defined in paragraph (b) of this section) who is required to file the annual report and the notice of availability of such report required under section 6056, relating to annual reports by private foundations, or to comply with the requirements of section 6104(d), relating to public inspection of private foundations' annual reports, and who fails so to file or comply, if such failure is willful, shall pay a penalty of $1,000 with respect to each such report or notice with respect to which there is a failure so to file or comply.

(b) *Person.* For purposes of this section, the term "person" means any officer, director, trustee, employee, member, or other individual whose duty it is to perform the act in respect of which the failure occurs.

(c) *Effective date.* This section shall take effect on January 1, 1970.

(d) *Cross reference.* For the amount imposed for failure to file the annual report required by section 6056 or to comply with section 6104(d), see paragraph (c) of § 301.6652–2.

PAR. 8. Section 301.7207 is amended by revising section 7207 and by revising the historical note to read as follows:

§ 301.7207 Statutory provisions; fraudulent returns, statements, or other documents.

SEC. 7207. *Fraudulent returns, statements, or other documents.* Any person who willfully delivers or discloses to the Secretary or his delegate any list, return, account, statement, or other document, known by him to be fraudulent or to be false as to any material matter, shall be fined not more than $1,000, or imprisoned not more than 1 year, or both. Any person required pursuant to sections 6047 (b) or (c), 6056, or 6104(d) to furnish any information to the Secretary or any other person who willfully furnishes to the Secretary or such other person any information known by him to be fraudulent or to be false as to any material matter shall be fined not more than $1,000, or imprisoned not more than 1 year, or both.

[Sec. 7207, as amended by sec. 7(m)(3), Self Employed Individuals Tax Retirement Act 1962 (76 Stat. 831); sec. 101(e)(5), Tax Reform Act 1969 (83 Stat. 524)]

PAR. 9. Section 301.7207–1 is amended to read as follows:

§ 301.7207–1 Fraudulent returns, statements, or other documents.

Any person who willfully delivers or discloses to any officer or employee of the Internal Revenue Service any list, return, account, statement, or other document, known by him to be fraudulent or to be false as to any material matter, shall be fined not more than $1,000, or imprisoned not more than 1 year, or both. Any person required pursuant to section 6047 (b) or (c) or, after December 31, 1969, section 6056 or 6104(d), to furnish information to any officer or employee of the Internal Revenue Service or any other person who willfully furnishes to such officer or employee of the Internal Revenue Service or such other person any information known by him to be fraudulent or to be false as to any material matter shall be fined not more than $1,000, or imprisoned not more than 1 year, or both.

[FR Doc.71–8332 Filed 6–14–71;8:51 am]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 20—OCCUPATIONAL TRAINING OF UNEMPLOYED PERSONS

Definition of Permanent Resident

Pursuant to authority contained in section 207 of the Manpower Development and Training Act of 1962 (76 Stat. 29, 42 U.S.C. 2587) and Secretary's Order No. 7–71, § 20.1 of Title 29 of the Code of Federal Regulations is hereby amended in the manner set forth below. The purpose is to modify the definition of permanent resident used for training eligibility purposes under the Manpower Development and Training Act.

The provisions of 5 U.S.C. 553 regarding notice and publication procedures are not applicable since these regulations involve only matters of public benefit. Further, I do not believe that such procedure would serve a useful purpose here. The amendments shall become effective upon publication in the FEDERAL REGISTER (6–15–71).

In § 20.1, paragraph (l) is revised to read as follows:

§ 20.1 Definitions.

* * * * *

(l) "Permanent resident of the United States" means a person whose principal actual dwelling place is within a State or any other place continental or insular, including the Trust Territory of the Pacific Islands, which is subject to the jurisdiction of the United States and who is not a nonimmigrant alien as defined in section 101(a)(15) of the Immigration and Nationality Act: *Provided,* That for the purposes of this part the term shall also include an alien whose name is registered in a consular office on an administrative waiting list for an immigrant visa, who has in his possession a valid indefinite labor certification for employment in the Virgin Isdands issued by the Department of Labor, who has been lawfully admitted into the United States to perform labor in the Virgin Islands, and whose training under the Act will not conflict with the conditions of his admittance into the United States.

* * * * *

(76 Stat. 29; 42 U.S.C. 2587)

Signed at Washington, D.C., this 8th day of June 1971.

MALCOLM R. LOVELL, Jr.,
Assistant Secretary for Manpower.

[FR Doc.71–8345 Filed 6–14–71;8:46 am]

Title 32—NATIONAL DEFENSE

Chapter XVIII—Office of Civil Defense, Office of the Secretary of the Army

PART 1801—CONTRIBUTIONS FOR CIVIL DEFENSE EQUIPMENT

Loan of Excess Personal Property

Part 1801 of Chapter XVIII of Title 32 of the Code of Federal Regulations is amended as follows:

Section 1801.3 is revised by designating existing provisions as paragraph "(a)" and by adding a new paragraph, designated as "(b)", all to read as follows:

§ 1801.3 Request for contributions.

(a) *Project application.* A request for a Federal contribution must be made on an OCD prescribed project application form and in accordance with the procedures and criteria set forth in OCD guidance material.

(b) *Loan of excess personal property.* Available personal property excess to the needs of the Department of Defense or any other Federal agency, as determined and so reported by the head thereof, may be furnished to an applicant on a loan basis in lieu of a Federal financial contribution where an authorized OCD official has determined that the loan of an item or items of property will result in a reduction in cost to the Government of a particular civil defense project or enhancement of the civil defense capability likely to accrue from the project. Such loans will be made in accordance with the procedures and criteria set forth in OCD guidance material.

(64 Stat. 1250, 1255, 50 U.S.C. App. 2281; 2253; Reorg. Plan No. 1 of 1958 as amended, 72 Stat. 1799–1801, 23 F.R. 4991, E.O. 10952, as amended, 26 F.R. 6577; Delegation of Authority Regarding Civil Defense Functions and Establishment of the Office of Civil Defense, Apr. 10, 1964, 29 F.R. 5017)

Dated: June 4, 1971.

JOHN E. DAVIS,
Director of Civil Defense.

[FR Doc.71–8335 Filed 6–14–71;8:45 am]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER B—INTERNATIONAL MAIL

INCREASED RATES AND FEES

In the daily issue of Friday, May 14, 1971, 36 F.R. 8879 (as corrected, 36 F.R. 9564), the Department proposed increases in certain postage rates and fees for international mail. To the extent that the proposed rate and fee revisions were not directly required by the Universal Postal Union Convention (Tokyo, 1969, effective July 1, 1971); or to keep international rates at a level not below domestic rates and fees for corresponding rate and service categories, the proposed increases were designed to produce revenues necessary to provide adequate cost coverage for the various categories

of international mail and services related thereto.

The Department afforded interested persons an opportunity to submit written comments relative to the proposals. After consideration of all comments received, it has been determined to adopt the proposals, as well as the miscellaneous changes required by the Universal Postal Union Convention and also published in the cited issue of the FEDERAL REGISTER, without change. Accordingly, the revisions set forth below are hereby adopted, to be effective July 1, 1971.

Subchapter B of Title 39, CFR, will be appropriately amended in order to codify the new rates and fees and other changes.

INTERNATIONAL RATES AND FEES; MISCELLANEOUS MATTER

I. *Canada and Mexico*—A. *Regular surface rates.* 1. Letter mail: 8 cents per ounce up to 12 ounces; eighth zone priority mail rates for heavier weights.

2. Small packets: 8 cents for the first 2 ounces and 2 cents for each additional ounce.

3. Parcel post: $1.20 for the first 2 pounds and 35 cents for each additional pound or fraction.

B. *Exceptional surface rates.*

Ounces	Books and sheet music	Publishers' second class	Publishers' controlled circulation
2	$0.14	$0.03	$0.05
4	.14	.05	.07
8	.14	.08	.11
16	.17	.13	.20
32	.21	.21	.34
64	.36	.36	.58
Each additional 32 ounces	.18	.18	.29

C. *Air mail.* Air parcel post (to Mexico only): $1.23 first 4 ounces; 24 cents each additional 4 ounces or fraction.

II. *Countries other than Canada and Mexico*—A. *Regular surface rates.* 1. Letter mail, printed matter and small packets:

Ounces	Letter mail	Printed matter	Small packets
1	[1]$0.15	$0.08	$0.15
2	.26	.08	.15
4	.34	.12	.15
8	.76	.19	.29
16	1.44	.33	.48
32	2.40	.57	.86
64	3.84	.96	
Each additional 32 ounces		.48	

[1] Post and postal cards 10 cents.

2. Parcel post:

(i) Central America, the Caribbean Islands, Bahamas, Bermuda, and St. Pierre and Miquelon: $1.20 for the first 2 pounds and 35 cents for each additional pound or fraction.

(ii) All other countries: $1.30 for the first 2 pounds and 40 cents for each additional pound or fraction.

B. *Exceptional surface rates.* 1. Postal Union of the Americas and Spain (PUAS) Countries:

Ounces	Books and sheet music [1]	Publishers' second class	Publishers' controlled circulation
2	$0.14	$0.03	$0.05
4	.14	.05	.07
8	.14	.08	.11
16	.17	.13	.20
32	.21	.21	.34
64	.36	.36	.58
Each additional 32 ounces	.18	.18	.29

[1] Except Spain and Spanish possessions.

2. All other countries:

Ounces	Books and sheet music	Publishers' second class	Publishers' controlled circulation
2	$0.14	$0.04	$0.05
4	.14	.06	.07
8	.14	.10	.11
16	.17	.17	.20
32	.28	.28	.34
64	.48	.48	.58
Each additional 32 ounces	.24	.24	.29

C. *Air mail.* 1. Letter mail:

(i) Central America, South America, the Caribbean Islands, Bahamas, Bermuda, and St. Pierre and Miquelon: 17 cents per half ounce.

(ii) All other countries: 21 cents per half ounce.

2. Aerogrammes and post cards: 15 cents each.

3. Parcel post: Individual country rates increased 10 percent.

III. *Special service fees*—A. *Customs clearance and delivery.* The fee on dutiable postal union mail other than small packets will be increased to 35 cents. The fee on dutiable small packets and parcel post will be increased to 70 cents.

B. *Return receipts for registered or insured mail.* The fee will be increased to 20 cents if the receipt is requested at time of mailing and to 40 cents if it is requested after mailing.

C. *Request for recall or change of address.* The fee will be increased to 60 cents.

D. *Inquiries.* The fee will be increased to 30 cents.

IV. *Miscellaneous changes.* A. "The Samples of Merchandise" class of postal union mail will be discontinued. Articles formerly transmitted under that classification must be mailed as "Small Packets," or they may be mailed in "Letter Packages" or as parcel post. In conjunction with the discontinuance of "Samples of Merchandise," "Combination Packages" and "Grouped Articles" are likewise being discontinued.

B. The maximum weight limit for printed matter to P.U.A.S. countries is being established at 22 pounds, and the minimum weight limit for direct sacks of prints addressed to one addressee lowered to 22 pounds to all countries.

C. The "8-ounce merchandise package" service to Canada is being discontinued.

(5 U.S.C. 301, 39 U.S.C. 501, 505; CF. 39 U.S.C. 101(d), 401, 403, 404(2), 407)

LOUIS A. COX,
Deputy General Counsel.

[FR Doc.71-8330 Filed 6-14-71;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 14—Department of the Interior

PART 14-1—GENERAL

Novation Agreements and Change of Name Agreements

Pursuant to the authority of the Secretary of the Interior, contained in 5 U.S.C. 301, Subpart 14-1.51 of Chapter 14, Title 41 of the Code of Federal Regulations, is hereby approved as set forth below.

It is the general policy of the Department of the Interior to allow time for interested parties to take part in the public rulemaking process. However, because this subpart is largely a general statement of Departmental policy and internal procedure the rulemaking process will be waived and this subpart will become effective upon publication in the FEDERAL REGISTER (6-15-71).

RICHARD R. HITE,
Deputy Assistant Secretary for Administration.

JUNE 8, 1971.

Part 14-1 is amended by adding Subpart 14-1.51, as follows:

Subpart 14-1.51—Novation Agreements and Change of Name Agreements

Sec.
14-1.5100 Scope of subpart.
14-1.5101 Agreement to recognize a successor in interest.
14-1.5102 Agreement to recognize change of name of contractor.
14-1.5103 Processing novation agreements and change of name agreements.

AUTHORITY: The provisions of this Subpart 14-1.51 issued under sec. 205(c), Federal Property and Administrative Services Act of 1949, 40 U.S.C. 486(c).

Subpart 14-1.51—Novation Agreements and Change of Name Agreements

§ 14-1.5100 Scope of subpart.

This subpart prescribes the policy and procedures for (a) recognition of a successor in interest to Government contracts when such interests are acquired incidental to a transfer of all the assets of a contractor or such part of his assets as is involved in the performance of the contracts, and (b) a change of name of a contractor. (See also § 1-30.710 of this title on assignment of claims in the case of transfer of a business or corporate merger.)

§ 14–1.5101 Agreement to recognize a successor in interest.

(a) The transfer of a Government contract is prohibited by law (41 U.S.C. 15). However, the Government may recognize a third party as the successor in interest to a Government contract where the third party's interest is incidental to the transfer of all the assets of the contractor, or all that part of the contractor's assets involved in the performance of the contract. Examples include, but are not limited to:

(1) Sale of such assets;

(2) Transfer of such assets pursuant to merger or consolidation of corporation; and

(3) Incorporation of a proprietorship or partnership.

(b) When a contractor requests that the Government recognize a successor in interest the contractor shall be required to provide the contracting officer with one copy of each of the following, as applicable:

(1) A properly authenticated copy of the instrument by which the transfer of assets was effected, as for example, a bill of sale, certificate of merger, indenture of transfer, or decree of court;

(2) A list of all contracts and purchase orders which have not been finally settled between the contracting officer and the transferor, showing the contract number, the name and address of the purchasing office involved, the total dollar value of each contract as amended, the type of contract involved, and the balance remaining unpaid;

(3 A certified copy of the resolution of the boards of directors of the corporate parties authorizing the transfer of assets;

(4) A certified copy of the minutes of any stockholders' meetings of the corporate parties necessary to approve the transfer of assets;

(5) A properly authenticated copy of the certificate and articles of incorporation of the transferee if such corporation was formed for the purpose of receiving the assets involved in the performance of the Government contracts;

(6) Opinion of counsel for the transferor and transferee that the transfer was properly effected in accordance with applicable law and the effective date of transfer;

(7) Evidence of the capability of the transferee to perform the contracts;

(8) Balance sheets of the transferor and the transferee as of dates immediately prior to and after the transfer of assets;

(9) Evidence of security clearance requirements if required; and

(10) Consent of sureties on all contracts listed under subparagraph (2) of this paragraph where bonds are required.

(c) When it is consistent with the Government's interest to recognize a successor in interest to a Government contract, the contracting officer shall execute a novation agreement with the transferor and the transferee, which shall ordinarily provide in part that:

(1) The transferee assumes all the transferor's obligations under the contract;

(2) The transferor waives all rights under the contract as against the Government;

(3) The transferor guarantees performance of the contract by the transferee (a satisfactory performance bond may be accepted in lieu of such guarantee); and

(4) Nothing in the agreement shall relieve the transferor or the transferee from compliance with any Federal law.

(d) All agreements, prior to execution, shall be reviewed by Government counsel for legal sufficiency. A format for such an agreement for use when the transferor and transferee are corporations, and all the assets of the transferor and transferred, is set forth herein. This format may be adapted to fit specific cases and may be used as a guide in preparing similar agreements for use in other situations.

NOVATION AGREEMENT

This Agreement, entered into as of (date upon which the transfer of assets became effective pursuant to applicable State law) 19--, by and between the ABC Corp., a corporation duly organized and existing under the laws of the State of _____ with its principal office in the city of _____ (hereinafter referred to as the "Transferor"); the XYZ Corp., [add if appropriate] (formerly known as the LMN Corp.), a corporation duly organized and existing under the laws of the State of _____ with its principal office in the city of _____ (hereinafter referred to as the "Transferee"); and the United States of America (hereinafter referred to as the "Government").

WITNESSETH

1. Whereas, the Government, represented by the contracting officers has entered into certain contracts and purchase orders with the Transferor [namely: _____] (or) [as set forth in the attached list marked "Exhibit A" to this Agreement and herein incorporated by reference]; and the term "the contracts" as hereinafter used means the above contracts and purchase orders, and all other contracts and purchase orders, including modifications thereto, heretofore made between the Government, represented by contracting officers and the Transferor (whether or not performance and payment have been completed and releases executed, if the Government or the Transferor has any remaining rights, duties or obligations thereunder), and including modifications thereto hereafter made in accordance with the terms and conditions of such contracts and purchase orders between the Government and the Transferee;

2. Whereas, as of _____, 19--, the Transferor assigned, conveyed, and transferred to the Transferee all the assets of the Transferor by virtue of a [term descriptive of the legal transaction involved] between the Transferor and the Transferee;

3. Whereas, the Transferee by virtue of said assignment, conveyance and transfer, has acquired all the assets of the Transferor;

4. Whereas, by virtue of said assignment, conveyance and transfer, the Transferee has assumed all the duties, obligations, and liabilities of the Transferor under the contracts;

5. Whereas, the Transferee is in a position fully to perform the contracts, and such duties and obligations as may exist under the contracts;

6. Whereas, it is consistent with the Government's interest to recognize the Transferee as the successor party to the contracts;

7. Whereas, there has been filed with the Government evidence of said assignment, conveyance, or transfer;

[Where a change of name is also involved, such as prior or concurrent change of name of the transferee, an appropriate recital shall be used; for example:

[8. Whereas, there has been filed with the Government a certificate dated _____, 19--, signed by the Secretary of the State of _____, to the effect that the corporate name of LMN Corp. was changed to XYZ Corp. on _____, 19--;]

Now, Therefore, in consideration of the premises, the parties hereto agree as follows:

The Transferor hereby confirms said assignment, conveyance and transfer to the Transferee, and does hereby release and discharge the Government from, and does hereby waive, any and all claims, demands, and rights against the Government which it now has or may hereafter have in connection with the contracts.

10. The Transferee hereby assumes, agrees to be bound by, and undertakes to perform each and every one of the terms, covenants, and conditions contained in the contracts. The Transferee further assumes all obligations and liabilities of, and all claims and demands against, the Transferor under the contracts, in all respects as if the Transferee were the original party to the contracts.

11. The Transferee hereby ratifies and confirms all actions heretofore taken by the Transferor with respect to the contracts with the same force and effect as if the action had been taken by the Transferee.

12. The Government hereby recognizes the Transferee as the Transferor's successor in interest in and to the contracts. The Transferee hereby becomes entitled to all right, title, and interest of the Transferor in and to the contracts in all respects as if the Transferee were the original party to the contracts. The term "contractor" as used in the contracts shall be deemed to refer to the Transferee rather than to the Transferor.

13. Except as expressly provided herein, nothing in this Agreement shall be construed as a waiver of any rights of the Government against the Transferor.

14. Notwithstanding the foregoing provisions, all payments and reimbursements heretofore made by the Government to the Transferor and all other action heretofore taken by the Government, pursuant to its obligations under any of the contracts, shall be deemed to have discharged pro tanto the Government's obligations under the contracts. All payments and reimbursements made by the Government after the date of this Agreement in the name of or to the Transferor shall have the same force and effect as if made to said Transferee and shall constitute a complete discharge of the Government's obligations under the contracts, to the extent of the amounts so paid or reimbursed.

15. The Transferor and the Transferee hereby agree that the Government shall not be obligated to pay or reimburse either of them for, or otherwise give effect to, any costs, taxes, or other expenses, or any increases therein, directly or indirectly arising out of or resulting from (i) said assignment conveyance and transfer, or (ii) this Agreement, other than those which the Government in the absence of said assignment conveyance and transfer, or this Agreement, would have been obligated to pay or reimburse under the terms of the contracts.

16. The Transferor hereby guarantees payment of all liabilities and the performance of all obligations which the Transferee (i)

assumes under this Agreement, or (ii) may hereafter undertake under the contracts as they may hereafter be amended or modified in accordance with the terms and conditions thereof; and the Transferor hereby waives notice of and consents to any such amendment or modification.

17. Except as herein modified, the contracts shall remain in full force and effect.

In witness whereof, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA

By _____

_____
(ABC Corp.)

[CORPORATE SEAL] By _____
(Title)

_____
(XYZ Corp.)

[CORPORATE SEAL] By _____
(Title)

CERTIFICATE

I, _____, certify that I am the Secretary of ABC Corp., named above; that _____, who signed this Agreement on behalf of said corporation, was then _____ of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness my hand and seal of said corporation this _____ day of _____, 19__.

[CORPORATE SEAL] By _____

CERTIFICATE

I, _____, certify that I am the Secretary of XYZ Corp., named above; that _____, who signed this Agreement on behalf of said corporation, was then _____ of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness my hand and seal of said corporation this _____ day of _____, 19__.

[CORPORATE SEAL] By _____

§ 14–1.5102 Agreement to recognize change of name of contractor.

(a) Where only a change of name is involved, so that the rights and obligations of the parties remain unaffected, an agreement between the contracting officer and the contractor shall be executed effecting the amendment of all existing contracts between the parties so as to reflect the contractor's change of name. Prior to the execution of such agreement, one copy of each of the following shall be deposited by the contractor with the contracting officer:

(1) A copy of the instrument by which the change of name was effected, authenticated by a proper official of the State having jurisdiction;

(2) Opinion of counsel for the contractor as to the effective date of the change of name and that it was properly effected in accordance with applicable law; and

(3) A list of all contracts and purchase orders which have not been finally settled between the contracting officer and the transferor, showing the contract number, the name and address of the purchasing office involved, the total dollar value of each contract as amended, and the balance remaining unpaid.

(b) A format for such an agreement which shall be adapted for specific cases is set forth below.

CHANGE OF NAME AGREEMENT

This Agreement, entered into as of _____, 19__ by and between the ABC Corporation (formerly the XYZ Corp. and hereinafter sometimes referred to as the "contractor"), a corporation duly organized and existing under the laws of the State of _____, and the United States of America, represented by the Department of _____ (hereinafter referred to as the "Government").

WITNESSETH

1. Whereas, the Government represented by contracting officers has entered into certain contracts and purchase orders with the XYZ Corp. [namely: _____] (or) [as set forth in the attached list marked "Exhibit A" to this agreement and herein incorporated by reference;] and the term "the contracts" as hereinafter used means the above contracts and purchase orders, and all other contracts and purchase orders, including modifications thereto, entered into between the Government, represented by a contracting officer and the contractor (whether or not performance and payment have been completed and releases executed, if the Government or the contractor has any remaining rights, duties, or obligations thereunder);

2. Whereas, the XYZ Corp., by an amendment to its certificate of incorporation, dated _____, 19__, has changed its corporate name to ABC Corp.;

3. Whereas, a change of corporate name only is accomplished by said amendment, so that rights and obligations of the Government and of the contractor under the contracts are unaffected by said change; and

4. Whereas, there has been filed with the Government documentary evidence of said change in corporate name;

Now, Therefore, in consideration of the premises, the parties hereto agree, that the contracts covered by this Agreement are hereby amended by deleting therefrom the name "XYZ Corp." wherever it appears in the contracts and substituting therefor the name "ABC Corp."

In witness whereof, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA

By _____

_____
(ABC Corp.)

[CORPORATE SEAL] By _____
(Title)

CERTIFICATE

I, _____, certify that I am the Secretary of ABC Corp., named above; that _____ who signed this Agreement on behalf of said corporation, was then _____ of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness my hand and seal of said corporation this _____ day of _____, 19____.

[CORPORATE SEAL] By _____

§ 14–1.5103 Processing novation agreements and change of name agreements.

(a) Where a contractor seeks a novation or change of name agreement, the documents pertaining thereto shall be forwarded to the contracting officer. In addition to the documents otherwise required by this Subpart 14–1.51, the contractor shall forward to the contracting officer a list of all other contracts with other bureaus or offices of the Department. This list shall include the identifying number and date of each such contract and the bureaus and offices involved.

(b) A signed copy of the executed novation agreement or change of name agreement shall be forwarded to the contractor, and a signed copy shall be retained in the office or bureau executing the agreement.

(c) After execution and distribution of an agreement, the original contract(s) affected thereby shall be appropriately modified by the contracting officer.

(d) The list of Department contracts referred to in paragraph (a) of this section shall be forwarded to the Office of Survey and Review which shall maintain a record of all contractors seeking novation agreements or change of name agreements and that Office shall notify the bureaus affected.

[FR Doc.71-8344 Filed 6-14-71;8:46 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 71–12; Notice No. 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires and Tire Selection and Rims for Passenger Cars

Correction

In F.R. Doc. 71–7465 appearing at page 10733 in the issue of Wednesday, June 2, 1971, in Table I–J, the sixth entry in the first column, now reading "B78–13", should read "D78–13".

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71–572]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of

February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e)(5) relating to the State of Texas, subdivision (i) relating to Callahan, Eastland, Galveston, Harris, Montgomery, and Tom Green Counties is amended to read:

(5) *Texas.* (i) All of Callahan, Eastland, Galveston, Harris, Montgomery, Parker, and Tom Green Counties.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines all of Parker County, Tex., because of the existence of hog cholera. This action is deemed necessary to prevent spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined county.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of June 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-8369 Filed 6-14-71;8:45 am]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 351, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) becuse the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 908.651 (Valencia Reg. 351, 36 F.R. 10773) during the period June 4, 1971, through June 11, 1971, are hereby amended to read as follows:

§ 908.651 Valencia Orange Regulation 351.

* * * * *

(b) *Order.* (1) * * *
(i) District 1: 272,000 cartons;
(ii) District 2: 501,000 cartons;
(iii) District 3: 77,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 10, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-8367 Filed 6-14-71;8:49 am]

[Lemon Reg. 483, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 910.783 (Lemon Reg. 483, 36 F.R. 10937) during the period June 6, 1971, through June 12, 1971, are hereby amended to read as follows:

§ 910.783 Lemon Regulation 483.

* * * * *

(b) *Order.* (1) * * *
(ii) District 2: 300,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 10, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-8368 Filed 6-14-71;8:49 am]

[Avocado Reg. 13]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

On May 29, 1971, and June 8, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 9871, 11043), regarding a proposed regulation to be made effective pursuant to the marketing agreement, as amended, and order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida. The proposed regulation was recommended by the Avocado Administrative Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Avocado Administrative Committee (established pursuant to the marketing agreement and order), and other available information, it is hereby

found and determined that the regulation, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

The recommendation of the Avocado Administrative Committee reflects its appraisal of the avocado crop and current and prospective market conditions. Shipments of avocados are expected to begin on or about June 14, 1971. The committee has considered and recommended the sizes, quality, and maturity standards, including shipping periods, for the various varieties of avocados, so as to prevent the handling of immature or other undesirable fruit and to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to growers pursuant to the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rule making concerning this regulation, with an effective date of June 14, 1971, was published in the FEDERAL REGISTER (36 F.R. 9871, 11043), and no objection to this regulation or such effective date was received; (2) the recommendation and supporting information for regulation during the period specified herein were submitted to the Department after an open meeting of the Avocado Administrative Committee on May 12, 1971, which was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; (3) the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee; (4) information concerning such provisions and effective time has been disseminated among handlers of such avocados; (5) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; (6) shipments of the current crop of such avocados are expected to begin on or about the effective date hereof, and this regulation should be applicable, insofar as practicable, to all shipments of such avocados in order to effectuate the declared policy of the act.

§ 915.313 Avocado Regulation 13.

(a) Order:

(1) During the period June 14, 1971, through April 30, 1972, no handler shall handle any avocados unless such avocados grade at least U.S. No. 3 grade;

(2) On and after the effective time of this regulation, except as otherwise provided in subparagraphs (9) and (10) of this paragraph, no avocados of the varieties listed in Column 1 of the following Table I shall be handled prior to the date listed for the respective variety in Column 2 of such table, and thereafter each such variety shall be handled only in conformance with subparagraphs (3), (4), (5), and (6) of this paragraph.

TABLE 1

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Arue			6-14-71	14 oz. 3⅜ in.	7-19-71		
Fuchs	6-21-71	14 oz. 3⅜ in.	7- 5-71	12 oz. 3⅜ in.	7-19-71	10 oz. 2⅛ in.	8- 2-71
K-5	6-28-71	16 oz. 3⅜ in.	7-12-71	14 oz. 3⅜ in.	7-26-71		
Dr. DuPuis No. 2	6-21-71	16 oz. 3⅜ in.	7- 5-71	14 oz. 3⅞ in.	7-19-71		
Hardee	7- 5-71	14 oz. 3⅜ in.	7-12-71	12 oz. 2⅛ in.	8- 2-71		
Pollock	7- 5-71	18 oz. 3⅛ in.	7-12-71	16 oz. 3⅞ in.	7-26-71		
Simmonds	7- 5-71	16 oz. 3⅜ in.	7-12-71	14 oz. 3⅞ in.	7-26-71		
Nadir	7- 5-71	14 oz. 3⅜ in.	7-12-71	12 oz. 3⅛ in.	7-19-71	10 oz. 2⅛ in.	8- 2-71
Katherine	7- 5-71	16 oz.	7-19-71	14 oz.	8- 2-71		
Dawn	7-19-71	12 oz. 3⅜ in.	8- 2-71	10 oz. 3⅜ in.	8-16-71		
Peterson	7-26-71	14 oz. 3⅜ in.	8- 9-71	10 oz. 3⅜ in.	8-23-71	8 oz. 2⅛ in.	9- 6-71
Trapp	8- 9-71	14 oz. 3⅛ in.	8-23-71	12 oz. 3⅞ in.	9- 6-71		
Waldin	8-16-71	16 oz. 3⅜ in.	8-30-71	14 oz. 3⅞ in.	9-13-71	12 oz. 3⅛ in.	9-27-71
Ruehle	7-19-71	18 oz. 3⅛ in.	8- 2-71	16 oz. 3⅜ in.	8-16-71	14 oz. 3⅞ in.	8-30-71
Pinelli	8- 2-71	18 oz. 3⅛ in.	8-16-71	16 oz. 3⅛ in.	8-30-71		
Webb 2	7-19-71	18 oz.	8- 2-71	16 oz.			8-16-71
Nesbitt	8-16-71	18 oz.	8-23-71	16 oz.	9-13-71		
Tonnage	8-30-71	14 oz. 3⅜ in.	9- 6-71	12 oz. 3 ⅜ in.	9-13-71	10 oz. 2⅛ in.	9-20-71
Booth 8	9-13-71	16 oz. 3⅜ in.	9-27-71	15 oz. 3⅞ in.	10-11-71	13 oz. 3⅛ in.	
Fairchild	8-30-71	16 oz. 3⅛ in.	9-13-71	14 oz. 3⅞ in.	9-27-71	12 oz. 3⅛ in.	10- 4-71
Nirody	8-30-71	18 oz. 3⅝ in.	9-13-71	16 oz. 3⅛ in.	9-27-71		
Black Prince	9-13-71	23 oz.	9-27-71	16 oz.	10-18-71		
Catalina	9-13-71	24 oz.	9-20-71	22 oz.	10- 4-71		
Blair	9-27-71	14 oz. 3⅜ in.	10-18-71				
Collinson	9-27-71	16 oz. 3⅛ in.	10-25-71				
Chica	9-27-71	12 oz. 3⅞ in.	10-11-71	10 oz. 3⅛ in.	10-25-71		
Rue	9-27-71	30 oz. 4⅜ in.	10- 4-71	24 oz. 3⅛ in.	10-18-71	18 oz. 3⅛ in.	11- 1-71
Booth 5	10- 4-71	16 oz. 3⅛ in.	10-25-71				
Hickson	10- 4-71	15 oz. 3⅝ in.	10-18-71	12 oz. 3⅛ in.	10-25-71		
Simpson	10- 4-71	16 oz. 3⅜ in.	10-25-71				
Vaca	10- 4-71	16 oz. 3⅜ in.	10-25-71				
Sherman	10- 4-71	16 oz.	10-18-71	14 oz.	11- 1-71	10 oz.	11-22-71
Marcus	10- 4-71	32 oz.	11-15-71				
Booth 10	10-11-71	16 oz. 3⅛ in.	11- 8-71				
Booth 7	10-11-71	16 oz. 3⅛ in.	10-25-71	14 oz. 3⅞ in.	11- 8-71		
Avon	10-11-71	15 oz. 3⅛ in.	11- 1-71				
Booth 11	10-11-71	16 oz. 3⅛ in.	11- 1-71				
Leona	10-11-71	14 oz. 3⅛ in.	10-25-71				
Winslowson	10-11-71	18 oz. 3⅛ in.	11- 1-71				
Nelson	10-11-71	14 oz. 3⅝ in.	10-25-71	12 oz. 3⅞ in.	11- 8-71	10 oz. 3⅛ in.	11-29-71
Hall	10-11-71	26 oz. 3⅛ in.	10-25-71	20 oz. 3⅜ in.	11- 8-71		
Lula	10-18-71	18 oz. 3⅛ in.	11- 1-71	14 oz. 3⅜ in.	11-15-71		
Choquette	10-18-71	24 oz. 4⅛ in.	11- 1-71	20 oz. 3⅛ in.	11-22-71		
Monroe	10-18-71	24 oz. 4⅛ in.	11- 1-71	20 oz. 3⅛ in.	11-22-71		
Herman	10-18-71	16 oz. 3⅛ in.	11- 1-71	14 oz. 3⅜ in.	11-15-71		
Murphy	10-18-71	16 oz.	11- 1-71	14 oz.	11-15-71	11 oz.	12- 6-71
Ajax (B7-B)	10-25-71	18 oz. 3⅛ in.	11-15-71				
Booth 1	10-25-71	16 oz. 3⅛ in.	11-15-71				
Booth 3	10-25-71	16 oz. 3⅛ in.	11-15-71				
Taylor	10-25-71	14 oz. 3⅝ in.	11- 8-71	12 oz. 3⅛ in.	11-22-71		
Dunedin	11- 8-71	16 oz. 3⅛ in.	11-22-71	14 oz. 3⅛ in.	12- 6-71	10 oz. 3⅛ in.	12-27-71
Byars	11-15-71	16 oz. 3⅛ in.	12- 6-71				
Linda	11-15-71	18 oz. 3⅛ in.	12- 6-71				
Nabal	11-15-71	14 oz. 3⅜ in.	12- 6-71				
Wagner	12- 6-71	12 oz. 3⅝ in.	12-20-71	10 oz. 3⅛ in.	1- 3-72		
Schmidt	1-17-72						
Itzamna	2-14-72						

(3) From the date listed for the respective variety in Column 2 of Table I to the date listed for the respective variety in Column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 3 of such table or is of at least the diameter specified for such variety in said Column 3;

(4) From the date listed for the respective variety in Column 4 of Table I to the date listed for the respective variety in Column 6 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 5 of such table or is of at least the diameter specified for such variety in said Column 5;

(5) From the date listed for the respective variety in Column 6 of Table I to the date listed for the respective variety in Column 8 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 7, of such table or is of at least the diameter specified for such variety in said Column 7;

(6) From October 25, 1971, through November 7, 1971, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit in each lot of such avocados weighs at least 10 ounces or is at least 3 1/16 inches in diameter, and from November 8, 1971, through November 14, 1971, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit in each lot of such avocados weighs at least 8 ounces or is at least 2 13/16 inches in diameter;

(7) Except as otherwise provided in subparagraphs (9) and (10) of this paragraph, varieties of the West Indian type of avocados not listed in Table I shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to July 5, 1971.

(ii) From July 5, 1971, through July 11, 1971, the individual fruit in each lot of such avocados shall weigh at least 18 ounces.

(iii) From July 12, 1971, through August 1, 1971, the individual fruit in each lot of such avocados shall weigh at least 16 ounces.

(iv) From August 2, 1971, through August 29, 1971, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(v) From August 30, 1971, through September 19, 1971, the individual fruit in each lot of such avocados shall weigh at least 12 ounces.

(8) Except as otherwise provided in subparagraphs (9) and (10) of this paragraph, varieties of avocados not covered by subparagraphs (2) through (7) of this paragraph shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to September 20, 1971.

(ii) From September 20, 1971, through October 17, 1971, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) From October 18, 1971, through December 19, 1971, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(9) Notwithstanding the provisions of subparagraphs (2) through (8) of this paragraph regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided,* That such avocados weigh not more than two ounces less than the applicable specified weight for the particular variety as prescribed in Columns 3, 5, or 7 of Table I or in subparagraphs (6), (7), and (8) of this paragraph. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(10) The provisions of subparagraphs (2) through (9) of this paragraph shall not apply to any variety, except the Linda variety, of avocados which, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color for that fruit when mature.

(b) Terms used in the amended marketing agreement and order, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; the term "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the term "U.S. No. 3" shall have the same meaning as set forth in the U.S. Standards for Florida Avocados (§§ 51.3050–51.3069 of this title).

(c) The provisions of this regulation shall become effective June 14, 1971.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 11, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc. 71-8421 Filed 6-11-71;12:35 pm]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order Nos. 90, 98, 103, 104, 106, 121, 130]

MILK IN CERTAIN MILK MARKETING AREAS

Redesignation of Effective Date of Suspension of Certain Provisions

This order redesignates the effective date of suspension of certain provisions of the orders regulating the handling of milk in the Nashville, Tenn.; Mississippi; Oklahoma Metropolitan and Red River Valley marketing areas which an order issued May 28, 1971 (36 F.R. 10775) pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) suspended effective June 15, 1971.

The effective date of the suspension is hereby changed to September 1, 1971, with respect to the following designated provisions:

PART 1098—MILK IN NASHVILLE, TENN., MARKETING AREA

In § 1098.11, paragraph (c).

PART 1103—MILK IN MISSISSIPPI MARKETING AREA

In § 1103.11, paragraph (c).

PART 1104—MILK IN RED RIVER VALLEY MARKETING AREA

In § 1104.63(d) the words "during the months of September through December."

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

1. § 1106.9, paragraph (c).

2. In § 1106.11, the portion of paragraph (c) which reads: "which owns or operates a plant described in § 1106.9 (c)."

Statement of consideration. This order defers until September 1, 1971, the effective date of the suspension of certain provisions of the Nashville, Oklahoma Metropolitan, and Mississippi milk orders under which a cooperative association may designate pool status for a plant operated by the cooperative association. It similarly defers to such date the suspension of a provision of the Red River Valley order which would result in requiring some delivery of a producer's milk to a pool plant each month to qualify such producer for diversion.

No change is made in the effective date of the suspension action affecting the point of pricing of diverted milk under the Chattanooga, Nashville, Mississippi, Red River Valley, and Oklahoma Metropolitan milk orders as set forth in the May 28, 1971, suspension order.

The reasons for suspension of all the above provisions were set forth in the May 28, 1971, suspension order. It was stated therein that such provisions, taken together, provided the means and economic incentive to pool under these orders large quantities of milk delivered to plants in distant areas.

This action deferring the effective date of suspension of the aforesaid provisions is based upon further review of marketing conditions in the respective markets, and particularly reconsideration of the need to allow cooperative plants traditionally associated with the local markets to continue to carry out their role of balancing needed market supplies and efficiently handling the normal reserve milk of such markets during the current

months of heavy milk production. As indicated in the May 28, 1971, order of suspension, it was for the performance of these valid marketing functions that the aforesaid cooperative supply plant provisions were adopted in these marketing orders so as to facilitate orderly marketing of regular milk supplies. The diversion provision of the Red River Valley order, referred to herein, also serves to facilitate the handling of seasonal surpluses of regular market supplies. From our further review and reconsideration of the May 28, 1971, suspension order it is anticipated that the immediate suspension of the point of pricing of diverted milk provisions in the Chattanooga, Nashville, Mississippi, Red River Valley, and Oklahoma Metropolitan milk orders as set forth in the May 28, 1971, suspension order should be sufficient to remove the monetary economic incentive which has existed heretofore in these markets for the introduction into their pools, directly or indirectly, of substantial quantities of unneeded distant milk. However, the market situation in these areas will be continuously reviewed to assure that this limited suspension is sufficient to accomplish the intent and purpose of the May 28, 1971, suspension order.

Proposals for amending the several orders with respect to the issues involved in the May 28, 1971, suspension action have been invited to be received on or before June 15, 1971, and it is proposed to schedule a public hearing thereon shortly thereafter.

In view of the imminent effective date of the May 28 suspension order it is impracticable to provide any notice of proposed rulemaking and public procedure thereon with respect to the modified effective date provided herein or to delay the effective date of this order. Further, the order will serve to relieve restriction that would otherwise result from the suspension order of May 28, 1971.

It is therefore ordered, That the effective date of the suspension with respect to the above designated order provisions is September 1, 1971, instead of June 15, 1971, as specified in the order issued May 28, 1971.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Signed at Washington, D.C., on June 11, 1971.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.71-8422 Filed 6-14-71;8:51 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[71-560]

PART 564—SETTLEMENT OF INSURANCE

Settlement of Insurance Upon Default

JUNE 8, 1971.

Resolved that, notice and public procedure having been duly afforded (36 F.R. 6764) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend § 564.1 of the Rules and Regulations for Insurance of Accounts (12 CFR 564.1) for the purpose of providing for payment of insurance on the amount of an insured member's account as of the date of default of an insured institution, including earnings computed to such date. Accordingly, the Federal Home Loan Bank Board hereby amends § 564.1 by revising paragraphs (a) and (b) thereof to read as follows, effective July 15, 1971:

§ 564.1 Settlement of insurance upon default.

(a) *General.* In the event of a default by an insured institution, the Corporation will promptly determine, from the savings account contracts and the books and records of the institution, the insured members thereof and the amount of the insured account of each such member. The Corporation will give to each member written notice of the time and place of payment of insurance by mail at the last known address as shown by the books of the insured institution.

(b) *Amount of insured account.* The amount of an insured account is the amount which the insured member would have been entitled to withdraw as of the date of default, plus interest thereon accrued to such date or dividends prorated to such date at the announced or anticipated rate, without regard to whether the account is subject to any pledge. In the case of an account with a fixed or minimum term or a qualifying or notice period that has not expired as of such date, dividends or interest thereon shall be computed as if the account could have been withdrawn on such date without any penalty or reduction in rate of earnings.

* * * * *

(Secs. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JOSEPH F. SCHRAM,
Assistant Secretary.

[FR Doc.71-8371 Filed 6-14-71;8:49 am]

Chapter VII—National Credit Union Administration

PART 748—MINIMUM SECURITY DEVICES AND PROCEDURES

Penalty Provision; Correction

The document adopting Part 748 of Chapter VII of Title 12 of the Code of Federal Regulations, published in the FEDERAL REGISTER on Saturday, June 5, 1971, at 36 F.R. 10940, is corrected by changing the section number cited in line 1 of § 748.8 from "2053" to "205(e)(3)".

HERMAN NICKERSON, Jr.,
Administrator.

JUNE 9, 1971.

[FR Doc.71-8353 Filed 6-14-71;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-EA-84; Amdt. 39-1231]

PART 39—AIRWORTHINESS DIRECTIVES

Avco Lycoming Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Avco Lycoming type TIO 540-A aircraft engines.

There have been reports of failures of the fuel injector manifold to nozzle tube assemblies. A failure of this type creates a hazardous situation as fuel will be sprayed on the engine from the broken line. It appears that the break occurs as a result of engine vibration together with the present number of fuel line clamps. Since this deficiency exists in aircraft with similar type designs, an airworthiness directive is being issued requiring an inspection and relocation of present clamps and installation of additional clamps.

Since the foregoing requires expeditious adoption of this rule, notice and public procedure hereon are impractical and the rule may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

AVCO LYCOMING. Applies to TIO 540-A series engines with serial numbers lower than 1931-61.

Compliance required within the next 50 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent possible failures of the fuel injector manifold to nozzle tube assemblies accomplish the following:

1. Visually inspect each tube assembly for fuel stains, cracks, dents, and bend radii under five-eighths inch. Replace cracked or dented lines and increase bends to five-eighths inch or more without denting or kinking before further flight.

2. Install support clamps in accordance with the instructions contained in Lycoming Service Bulletin No. 335 or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This amendment is effective June 22, 1971.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on June 4, 1971.

GEORGE M. GARY,
Director, Eastern Region.

[FR Doc.71-8354 Filed 6-14-71;8:47 am]

[Airspace Docket No. 71-WE-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On May 7, 1971, F.R. Doc. 71-6422 was published in the FEDERAL REGISTER (36 F.R. 8510) adopting an amendment to Part 71 of the Federal Aviation Regulations that altered the transition area at Ellensburg, Wash.

Subsequent to the publication of this document, it was determined that errors had been made in describing the transition area. Action is taken herein to correct those errors.

Since there corrections are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary, and the effective date as originally adopted may be retained.

In consideration of the foregoing, F.R. Doc. 71-6422 (36 F.R. 8510) is amended by deleting "* * * V-25 * * *" in the description of the 9,500 feet MSL portion of the transition area and substituting "* * * V-2S * * *" therefor.

In the description of the 1,200-foot portion of the transition area after "* * * 16.5-mile-radius circle * * *" insert "* * *, centered on the Ellensburg VORTAC, * * *"

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on June 3, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71-8356 Filed 6-14-71;8:48 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-9192]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Timely Advance Notice of Record Dates for Publicly Traded Securities

On February 17, 1971, in Securities Exchange Act Release No. 9076, and in the FEDERAL REGISTER for February 24, 1971 (36 F.R. 3431), the Securities and Exchange Commission published a proposal to adopt Rule 10b-17 (17 CFR 240.-10b-17) under the Securities Exchange Act of 1934 (the "Act"). The Commission has considered the comments and suggestions received and has adopted the rule as stated below effective July 12, 1971.

The new rule will require issuers of publicly traded securities to furnish specified advance information concerning impending dividends or other distributions in cash or in kind; planned splits or reverse splits; and rights or other subscription offerings (hereinafter collectively referred to as distributions) to the National Association of Securities Dealers, Inc. (NASD), or an exchange on which the securities are registered and which has substantially comparable procedures to those set forth herein.[1]

The reports for issuers of over-the-counter securities will be required at least 10 days prior to the record date set by the issuer for determining the identity of the security holders to whom the rights to these distributions accrue. In the case of a rights offering or other offerings requiring a registration statement under the Securities Act of 1933, where such 10 days advance notice of the record date may not be practicable, the information will be required on or before the record date and in no event later than the day on which the registration statement to which the offering relates becomes or is declared effective by the Commission.[2] In those situations where the issuer would report to the NASD, the rule will also provide that exemptions from these requirements could be granted by the Commission. It is contemplated, however, that such an exemption will be granted only in special circumstances where the purposes of the rule are not applicable and where the NASD does not need the report to enable it to adequately disseminate the information to its members and the investing public.

The rule has been revised to specifically exempt redeemable securities issued by open-end investment companies and ordinary interest payments on debt securities since these type of securities generally do not present any of the problems which the rule is designed to meet. In addition, the rule will indicate that if exact per share cash distributions cannot be given to the NASD because of existing conversion rights which may affect the per share distribution, then a reasonable approximation of the per share distribution may be given so long as the actual per share data is subsequently provided on the record date.

As indicated in Release No. 9076 (36 F.R. 3430), it has been the experience of the Commission and the securities industry that the failure of a publicly held company to provide a timely announcement of the record date with respect to these types of distributions has had a misleading and deceptive effect on both the broker-dealer community and the investing public. As a direct result of such failure, purchasers and their brokers may have entered into and settled securities transactions without knowledge of the accrual of rights to these distributions and were thus unable to take necessary steps to protect their interests. Further, sellers who have received the distributions as recordholders on the specified record date, after having disposed of their securities, have also disposed of the cash or stock dividends or other rights received as such recordholders without knowledge of possible claims of purchasers of the underlying security to those rights. In some instances, the broker-dealers who have acted for such buyers or sellers have settled resulting disputes at their own expense, while, in others, the disputes have led to arbitration and to litigation. In many instances, innocent buyers and sellers have suffered losses. In addition, some issuers have made belated declarations of stock splits or dividends with the apparent knowledge that this action would have a manipulative effect on the market for their securities. In these cases, "buy-in" transactions effected by purchasers to liquidate the sellers' obligations have had the effect of raising the price of the security. This effect has been particularly significant when the existing floating supply of the security is limited.

The NASD and securities exchanges have long had procedures for obtaining and disseminating information of the character called for by this rule. Based on this information, these organizations are then able to disseminate news of impending distributions and to set "ex" dates for trading purposes through various media, including the standard financial services and membership bulletins, to the brokerage community and investing public. The advance publication of an ex-date is thus designed to provide an appropriate cutoff date which will not only enable the broker-dealer community to settle transactions in the normal course of business with a minimum of additional paper work but will also provide adequate notice of the steps that must be taken by their members at settlement (e.g. request settlement with due-bills) so as to protect public customers.[3]

[1] Presently the New York, American, Philadelphia-Baltimore-Washington, Midwest, Pacific Coast, Boston, Cincinnati, Detroit, and National Stock Exchanges have substantially comparable requirements. Of course, this does not mean that these exchanges must have identical procedures. Indeed, these exchanges may (as at present) have different advance reporting periods and special procedures if such requirements enable these organizations to adequately disseminate the news of impending distributions, to set "ex" dates for trading purposes, and to otherwise properly execute their self-regulatory responsibilities.

[2] Of course, in order to avoid unnecessary and burdensome settlement problems, where a distribution is dependent on action of the Commission or other governmental authority, the record date should not be set until such action is taken.

[3] For a further explanation of the ex-date and due-bill procedure see Securities Exchange Act Release No. 9076 (36 F.R. 3430).

It has been the experience of the securities industry that generally 10 days advance notice of a record date is sufficient to enable the self-regulatory organizations to reasonably accomplish these objectives. However, in such cases as the issuance of rights or warrants or other distributions where a registration statement under the Securities Act of 1933 is required, 10 days advance notice is not always practicable because the issuer must await affirmative Commission action before the distribution can occur. Thus, notice of the latter types of distribution, if such 10 days advance notice is not practicable, must be given by the issuer on or before the record date and in no event later than the date the registration statement becomes effective.

Commission action. The Securities and Exchange Commission acting pursuant to the provisions of the Act and particularly the power conferred by sections 10(b) and 23(a) and deeming it necessary and appropriate in the public interest and for the protection of investors, hereby adopts § 240.10b–17 of Chapter II of Title 17 of the Code of Federal Regulations effective July 12, 1971. The text is as follows:

§ 240.10b–17 Untimely announcements of record dates.

(a) It shall constitute a "manipulative or deceptive device or contrivance" as used in section 10(b) of the Act for any issuer of a class of securities publicly traded by the use of any means or instrumentality of interstate commerce or of the mails or of any facility of any national securities exchange to fail to give notice in accordance with paragraph (b) of this section of the following actions relating to such class of securities:

(1) A dividend or other distribution in cash or in kind, except an ordinary interest payment on a debt security, but including a dividend or distribution of any security of the same or another issuer;

(2) A stock split or reverse split; or

(3) A rights or other subscription offering.

(b) Notice shall be deemed to have been given in accordance with this section only if:

(1) Given to the National Association of Securities Dealers, Inc., no later than 10 days prior to the record date involved or, in case of a rights subscription or other offering if such 10 days advance notice is not practical, on or before the record date and in no event later than the effective date of the registration statement to which the offering relates, and such notice includes:

(i) Title of the security to which the declaration relates;

(ii) Date of declaration;

(iii) Date of record for determining holders entitled to receive the divided or other distribution or to participate in the stock or reverse split;

(iv) Date of payment or distribution or, in the case of a stock or reverse split or rights or other subscription offering, the date of delivery;

(v) For a dividend or other distribution including a stock or reverse split or rights or other subscription offering:

(*a*) In cash, the amount of cash to be paid or distributed per share, except if exact per share cash distributions cannot be given because of existing conversion rights which may be exercised during the notice period and which may affect the per share cash distribution, then a reasonable approximation of the per share distribution may be provided so long as the actual per share distribution is subsequently provided on the record date,

(*b*) In the same security, the amount of the security outstanding immediately prior to and immediately following the dividend or distribution and the rate of the dividend or distribution,

(*c*) In any other security of the same issuer, the amount to be paid or distributed and the rate of the dividend or distribution,

(*d*) In any security of another issuer, the name of the issuer and title of that security, the amount to be paid or distributed, and the rate of the dividend or distribution and if that security is a right or a warrant, the subscription price,

(*e*) In any other property (including securities not covered under (*b*) through (*d*) of this subdivision) the identity of the property and its value and basis for assigning that value;

(vi) Method of settlement of fractional interests;

(vii) Details of any condition which must be satisfied or Government approval which must be secured to enable payment of distribution; and in

(viii) The case of stock or reverse split in addition to the aforementioned information;

(*a*) The name and address of the transfer or exchange agent; or

(2) The Commission, upon written request or upon its own motion, exempts the issuer from compliance with subparagraph (1) of this paragraph either unconditionally or on specified terms or conditions, as not constituting a manipulative or deceptive device or contrivance comprehended within the purpose of this section or;

(3) Given in accordance with procedures of the national securities exchange or exchanges upon which a security of such issuer is registered pursuant to section 12 of the Act which contain requirements substantially comparable to those set forth in subparagraph (1) of this paragraph.

(c) The provisions of this rule shall not apply, however, to redeemable securities issued by open-end investment companies registered with the Commission under the Investment Company Act of 1940.

(Secs. 10(b), 23(a), 48 Stat. 891,901, as amended 49 Stat. 1379, 15 U.S.C. 78j, 78w)

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

JUNE 7, 1971.

[FR Doc.71-8346 Filed 6-14-71;8:47 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Procedures for Recall of Products From Market

The Commissioner of Food and Drugs concludes that a policy statement should be established setting forth FDA's revision of procedures for recall of products from the market. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 304, 701(a), 705, 52 Stat. 1044, as amended, 1055, 1057–58; 21 U.S.C. 334, 371(a), 375) and the Federal Hazardous Substances Act (secs. 6, 10, 74 Stat. 376–78, as amended; 15 U.S.C. 1265, 1269), and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Part 3:

§ 3.85 Revision of procedures for recall of products from the market.

(a) Recalls have been evolved by the Food and Drug Administration over the years as the most effective method of removing all units of products found to be adulterated, to present a danger to health, to involve gross fraud or deception of consumers, or to be materially misleading to the detriment of consumers' health and welfare. A recall was an alternative to multiple seizures. If the distributor did not cooperate in a recall, legal actions were initiated.

(b) For several years FDA has compiled and made available to the public and press weekly lists of all recalls. Included in the lists are the product involved, the name and address of the recalling firm, reason for the recall, and the geographic area of the product's distribution.

(c) The recall has been expanded in recent years to cover nearly all removals of products from the marketplace, no matter the reason. This expansion has placed demands on FDA's resources, had reduced the sense of urgency that should be associated with a recall, and at times has generated unfavorable publicity for the processor or distributor in instances where the reason for the recall had little or no significance for consumers.

(d) Therefore, in consideration of these facts and to provide better consumer protection through improved and

more effective recall procedures, FDA's recall policy is revised to be as follows, effective on the date this section is added to this Part 3:

(1) Removals of products from the market involving no violations or only minor violations that would not be subject to legal action under existing compliance policy will not be classified as recalls. No effectiveness checks will be made on the adequacy of such removals, and the actions will not be placed on the public recall list.

(2) Removals of products from the market, none of which products have left the direct control of the manufacturer or primary distributor, whether stored in their plant or in premises under their control, will not be classified as recalls if no stocks have been released for distribution. Effectiveness checks shall be made on the adequacy of such removals; however, the actions will not be placed on the public recall list.

(3) All removals from the market of products that present threats to the safety of consumers are considered recalls. Such removals shall:

(i) Be made to the consumer level;

(ii) Be placed on the public recall list;

(iii) Have extensive effectiveness checks made on removal adequacy; and

(iv) Have a public warning issued by FDA.

(4) All removals from the market of products that pose a potential threat to consumer safety and well-being, involve product adulteration, cause gross fraud or deception of consumers, or are materially misleading causing consumer injury or damage, and which are subject to legal action under other aspects of FDA's existing compliance policy, are considered recalls. Such removals shall:

(i) Be made to the retail or dispensing level;

(ii) Be placed on the public recall list;

(iii) Have effectiveness checks made on removal adequacy; and

(iv) When in the public interest, have a press release issued by FDA.

(e) As used in this section the term "existing compliance policy" includes, but is not limited to, consideration of administrative guidelines and tolerances, current good manufacturing practices, current medical and scientific opinion, standards and regulations promulgated under statutory authority, and official compendia.

(Secs. 304, 701(a), 705, 52 Stat. 1044, as amended, 1055, 1057–58, 21 U.S.C. 334, 371(a), 375; secs. 6, 10, 74 Stat. 376–78, as amended, 15 U.S.C. 1265, 1269)

Dated: June 7, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-8274 Filed 6-14-71;8:45 am]

SUBCHAPTER C—DRUGS

CAPREOMYCIN SULFATE

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Parts 141, 145, 146, and 148 are amended and new Part 151g is established as follows to provide for certification of the antibiotic capreomycin sulfate ampoules:

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

1. Section 141.5(b) is amended by alphabetically inserting a new item in the table, as follows:

§ 141.5 Safety test.

* * * * * * * * *

(b) * * *

Antibiotic drug	Diluent (diluent number as listed in sec. 141.3)	Test dose: Concentration in units or milligrams of activity per milliliter	Test dose: Volume in milliliters to be administered to each mouse	Route of administration as described in paragraph (c) of this section
Capreomycin sulfate	4	3.0 mg	0.5	Intravenous.
* * *	* * *	* * *	* * *	* * *

2. Section 141.7(c) is amended by alphabetically inserting a new item in the table, as follows:

§ 141.7 Histamine test.

* * * * * * * * *

(c) * * *

Antibiotic	Diluent (diluent number as listed in sec. 141.3(b))	Concentration of test solution (milligrams of activity per milliliter)	Volume of test solution to be injected (milliliters per kilogram of body weight)
Capreomycin sulfate	4	3.0	1.0
* * *	* * *	* * *	* * *

3. Section 141.111 (a) and (b) are amended by alphabetically inserting a new item in the tables, as follows:

§ 141.111 Microbiological turbidimetric assay.

* * * * * * * * *

(a) * * *

Antibiotic	Working standard stock solutions: Drying conditions (method number as listed in § 141.501)	Initial solvent	Diluent (solution number as listed in § 141.102(a))	Final concentration	Storage time under refrigeration	Standard response line concentrations: Diluent (solution number as listed in § 141.102(a))	Final concentrations—units or micrograms of antibiotic activity per milliliter
Capreomycin	5	Distilled water	1 mg	7 days	Distilled water	64, 80, 100, 125, 156, μg.
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *

(b) * * *

Antibiotic	Test organism	Medium (nutrient broth)	Suggested volume of standardized inoculum to be added to each 100 milliliters of medium (nutrient broth)	Incubation temperature
Capreomycin	I	3	0.05	37
* * *	* * *	* * *	* * *	* * *

PART 145—ANTIBIOTIC DRUGS; DEFINITIONS AND INTERPRETATIVE REGULATIONS

4. Section 145.2(a) is amended by adding thereto a new subparagraph, as follows:

§ 145.2 Definitions of antibiotic substances.

(a) * * *

(36) *Capreomycin.* Each of the antibiotic substances produced by the growth of *Streptomyces capreolus,* and each of the same substances produced by any other means, is a kind of capreomycin.

5. Section 145.3 is amended by adding a new subparagraph to paragraph (a) and another to paragraph (b), as follows:

§ 145.3 Definitions of master and working standards.

(a) * * *

(44) *Capreomycin.* The term "capreomycin master standard" means a specific lot of capreomycin designated by the Commissioner as the standard of comparison in determining the potency of the capreomycin working standard.

(b) * * *

(44) *Capreomycin.* The term "capreomycin working standard" means a specific lot of a homogeneous preparation of capreomycin.

6. Section 145.4(b) is amended by adding thereto a new subparagraph, as follows:

§ 145.4 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

* * * * *

(b) * * *

(47) *Capreomycin.* The term "microgram" applied to capreomycin means the capreomycin activity (potency) contained in 1.0870 micrograms of the capreomycin master standard when dried for 4 hours at 100° C. and a pressure of 5 millimeters or less.

PART 146—ANTIBIOTIC DRUGS; PROCEDURAL AND INTERPRETATIVE REGULATIONS

7. Section 146.8(b)(1) is amended by alphabetically inserting a new item in the fee schedule list, as follows:

§ 146.8 Fees.

* * * * *

(b) * * *

(1) * * *

Test	Chargeable fee per test
* * *	
Capreomycin I content	$72
* * *	

* * * * *

PART 148—ANTIBIOTIC DRUGS; PACKAGING AND LABELING REQUIREMENTS

§ 148.2 [Amended]

8. Section 148.2 *Packaging requirements* is amended by revising the first sentence to read as follows: "Each antibiotic drug subject to certification under section 507 of the act shall be packaged in immediate containers which shall be of such composition as not to cause any change in the strength, quality, or purity of the contents beyond any limits therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded."

PART 151g—CAPREOMYCIN

9. The following new Part 151g is added to Title 21, Chapter I:

§ 151g.1 Sterile capreomycin sulfate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sterile capreomycin sulfate is the amorphous sulfate salt of capreomycin. It is a white or essentially white powder. Capreomycin has been separated chromatographically into components designated capreomycins Ia, Ib, IIa, and IIb. Each component has been partially characterized according to its type and amino acid content. Capreomycin Ia contains serine and no alanine. Capreomycin Ib contains alanine and no serine. Capreomycin I is a mixture of capreomycins Ia and Ib. It is so purified and dried that:

(i) Its potency is not less than 700 micrograms and not more than 1,050 micrograms of capreomycin per milligram on an "as is" basis. If it is packaged for dispensing, its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of capreomycin that it is represented to contain.

(ii) It is sterile.

(iii) It passes the safety test.

(iv) It is nonpyrogenic.

(v) In contains no histamine nor histamine-like substance.

(vi) Its loss on drying is not more than 10 percent.

(vii) Its pH in an aqueous solution containing 30 milligrams per milliliter (or if packaged for dispensing, after reconstitution as directed in the labeling) is not less than 4.5 and not more than 7.5.

(viii) Its capreomycin I content is not less than 90 percent of the total capreomycins.

(ix) Its residue on ignition is not more than 3 percent.

(x) Its heavy metals content is not more than 30 parts per million.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, safety, pyrogens, histamine, loss on drying, pH, capreomycin I content, residue on ignition, and heavy metals.

(ii) Samples required:

(*a*) If the batch is packaged for repacking or for use in the manufacture of another drug:

(*1*) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(*2*) For sterility testing: 20 packages, each containing approximately 500 milligrams.

(*b*) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighted sample in sufficient sterile distilled water to give a stock solution of convenient concentration; also, if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with sterile distilled water to give a stock solution of convenient concentration. Further dilute the stock solution with sterile distilled water to the reference concentration of 100 micrograms of capreomycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Safety.* Proceed as directed in § 141.5 of this chapter.

(4) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter, using a solution containing 10 milligrams per milliliter.

(5) *Histamine.* Proceed as directed in § 141.7 of this chapter.

(6) *Loss on drying.* Proceed as directed in § 141.501(e) of this chapter.

(7) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 30 milligrams per milliliter; however, if it is packaged for dispensing, use the solution obtained after reconstituting the drug as directed in the labeling.

(8) *Capreomycin I content*—(i) *Equipment*—(*a*) *Sheet (chromatographic).* Whatman No. 1 filter paper for chromatography 20 x 50 centimeters.

(*b*) *Chamber (chromatographic).* Square glass chromatography jar, 30 x 30 x 60 centimeters, designed for descending chromatography. The bottom of the tank is filled with 1.5 inches of a mixture of 70 percent *n*-propyl alcohol and 30 percent distilled water (v/v) and allowed to equilibrate for 2 days. The mobility of the capreomycin factors, capreomycin I and capreomycin II, depends to a large extent upon the amount of water vapor present in the chromatographic chamber. The mobility can be restricted by using more *n*-propyl alcohol and less water in the equilibrating solvent, or it can be increased by raising the water content. The R_f value (the distance traveled by a particular antibiotic factor divided by the distance traveled by the solvent front) should be approximately 0.50 for capreomycin I and approximately 0.60 for capreomycin II.

(ii) *Preparation of solutions*—(*a*) *0.1N citrate buffer, pH 6.2.* Dissolve 21.0 grams of citric acid monohydrate in 1 liter of distilled water. Adjust the pH to 6.2 with 50 percent aqueous sodium hydroxide.

(*b*) *Developing solvent.* Mix *n*-propyl alcohol, distilled water, triethylamine, and glacial acetic acid in volumetric proportions of 75:33:8:8, respectively.

(iii) *Preparation of the capreomycin sample solution.* Dissolve approximately 200 milligrams of the sample, accurately weighed, with distilled water in a 10-milliliter volumetric flask. Dilute to volume with distilled water. This sample should be refrigerated when not in use.

(iv) *Preparation of the chromatogram.* Use separate sheets for each capreomycin sample solution and for blanks without sample application. Evenly apply a 100-microliter aliquot of the capreomycin sample solution to the origin line of a sheet. A U-shaped glass rod is placed under the chromatogram during spotting. Dry the streak thoroughly with warm air. Place the sample sheets and a blank sheet in the chamber and develop them in a descending manner for 16 hours. Remove the sheets from the chamber and air dry for about 1 hour.

(v) *Processing the chromatogram.* Examine each sheet under short-wavelength (254 nanometers) ultraviolet light and locate the main streak (R_f approximately 0.5) and the preceding streak (capreomycin II, R_f approximately 0.6). Outline the main zone lightly with a pencil. Outline an area on the blank sheet approximately equal in size and in the same location as those outlined on the sample sheets. Cut the marked areas from the sheets and then cut them into approximately 1.5-centimeter squares. For each sheet, place the squares into a glass-stoppered 50-milliliter Erlenmeyer flask.

(vi) *Elution.* To each flask, add 10 milliliters of 0.1*N* citrate buffer, pH 6.2, and agitate on a reciprocating shaker for 1 hour. Filter each of the shaken solutions through Whatman No. 1 filter paper into separate 10-milliliter glass-stoppered Erlenmeyer flasks. Transfer 3 milliliters of each filtrate into separate 50-milliliter volumetric flasks and dilute to volume with distilled water.

(vii) *Capreomycin sample solution for direct measurement of absorbance.* Pipette 1.0 milliliter of the sample solution prepared as described in subdivision (iii) of this subparagraph into a 100-milliliter glass-stoppered volumetric flask. Dilute to volume with 0.1*N* citrate buffer, pH 6.2. Transfer 3.0 milliliters of this solution into a 50-milliliter volumetric flask and dilute to volume with distilled water.

(viii) *Absorbance measurement.* Using a suitable spectrophotometer, 1.0-centimeter quartz cells, and distilled water as the reference solvent, determine the absorbance of each eluate and of each sample solution at the absorption maximum at about 268 nanometers.

(ix) *Calculation of percent capreomycin I in samples.* Calculate as follows:

$$\text{Percent capreomycin I} = \frac{A_1 - A_B}{A_s} \times 100,$$

where:

A_1=Absorbance of the eluate from the main zone of the sample sheet;

A_B=Absorbance of the eluate from the area of the blank sheet corresponding to the area of the capreomycin I of the sample sheet;

A_s=Absorbance of the capreomycin sample solution described in subdivision (vii) of this subparagraph.

If the assay of capreomycin I from the chromatogram is less than 90 percent of total capreomycins, repeat the procedure described in subdivisions (iv), (v), (vi), (vii), and (viii) of this subparagraph two more times and at the same time determine the recovery of total capreomycins from the unchromatographed sheet as described in subdivision (x) of this subparagraph. The average of three valid assays should then be reported.

(x) *Recovery of total capreomycins from the unchromatographed sheet*—(*a*) *Procedure.* Evenly apply a 100-microliter aliquot of the capreomycin sample solution (prepared as described in division (iii) of this subparagraph) to the origin line of a sheeet. Dry the streak thoroughly with warm air. The paper is not chromatographed before elution. Cut the area containing the streak from the sheet and then cut into approximately 1.5-centimeter squares. Place the squares into a glass-stoppered 50-milliliter Erlenmeyer flask and proceed as directed in subdivisions (vi), (vii), and (viii) of this subparagraph. Likewise, cut an equal-sized area from an untreated part of the sheet and cut it into approximately 1.5-centimeter squares. Place the squares in a glass-stoppered 50-milliliter Erlenmeyer flask and also proceed as directed in subdivisions (vi), (vii), and (viii) of this subparagraph.

(*b*) *Calculation.* Calculate the recovery of total capreomycins as follows:

$$\text{Recovery of total capreomycins} = \frac{A_1 - A_B}{A_s} \times 100,$$

where:

A_1=Absorbance of the elute from the unchromatographed sheet;

A_B=Absorbance of the eluate from the unchromatographed blank sheet;

A_s=Absorbance of the capreomycin sample solution described in subdivision (vii) of this subparagraph.

To be a valid assay, the recovery of total capreomycins from the unchromatographed sheet must be 100±2 percent.

(9) *Residue on ignition.* Proceed as directed in § 141.510, of this chapter, except ignite at 700° C.

(10) *Heavy metals.* Proceed as directed in § 141.511 of this chapter.

Data supplied by the manufacturer concerning the subject antibiotic have been evaluated. Since the conditions prerequisite to providing for its certification have been complied with and since not delaying in so providing is in the public interest, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (6–15–71).

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: June 1, 1971.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.71-8250 Filed 6-14-71;8:45 am]

Chapter III—Environmental Protection Agency

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Phosalone

A petition (PP 0F0948) was filed by Rhodia, Inc., Chipman Division, 120 Jersey Avenue, New Brunswick, NJ 08903, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide phosalone in or on the raw agricultural commodities citrus fruits at 5 parts per million; and brazil nuts, bush nuts, butternuts, cashews, chestnuts, filberts, hazelnuts, hickory nuts, macadamia nuts, pecans, and walnuts at 0.05 part per million (negligible residue).

Subsequently, the petitioner amended the petition by withdrawing the request for a tolerance for residues in or on citrus fruits.

Prior to December 2, 1970, the Secretary of Agriculture certified that this

pesticide chemical is useful for the purposes for which tolerances are being established, and the Fish and Wildlife Service of the Department of Interior advised that it has no objection to these tolerances.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The proposed uses are not reasonably expected to result in residues of the insecticide in meat, milk, poultry, and eggs as specified in § 420.6(a)(3).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), § 420.263 is revised to read as follows:

§ 420.263 Phosalone; tolerances for residues.

Tolerances are established for residues of the insecticide phosalone (*S*-(6-chloro-3-(mercaptomethyl)-2-benzoxazolinone) *O,O*-diethyl phosphorodithioate) in or on raw agricultural commodities as follows:

10 parts per million in or on apples, grapes, and pears.

0.05 part per million (negligible residue) in or on brazil nuts, bush nuts, butternuts, cashews, chestnuts, filberts, hazelnuts, hickory nuts, macadamia nuts, pecans, and walnuts.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (6-15-71).

(Sec. 409(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 8, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-8337 Filed 6-14-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 999]

PRUNE IMPORTS

Notice of Proposed Rule Making

Notice is hereby given that the Department is giving consideration to proposed grade, size, and other requirements, governing the importation of prunes, pursuant to section 8e (7 U.S.C. 608e–1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674; and as further amended by Public Law 91–670 approved January 11, 1971), hereinafter referred to as the "act".

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 60 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Section 8e of the act provides, in part, that whenever a marketing order issued by the Secretary of Agriculture pursuant to section 8c of the act (7 U.S.C. 608c) contains any terms or conditions regulating the grade, size, quality, or maturity of prunes produced in the United States, the importation of prunes into the United States during the period of time such order is in effect shall be prohibited unless such commodity complies with the grade, size, quality and maturity provisions of such order or comparable restrictions promulgated under said section 8e. Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California (hereinafter referred to as the "marketing order"), prescribes grade and size provisions for such prunes.

Under the marketing order, prunes meeting the effective grade and size requirements pursuant thereto are designated standard prunes and may be used for any purpose. Prunes which fail to meet these requirements are designated substandard prunes and are permitted for use in human consumption outlets as prune products in which the prunes lose their form and character as prunes by conversion prior to consumption, or for use in non-human consumption outlets. However, substandard prunes for disposition in the human consumption outlets must be within the maximum tolerances specified for certain defects (i.e., mold, imbedded dirt, insect infestation, and decay).

The size restrictions pursuant to the marketing order are for varieties of prunes defined therein as French prunes and for varieties of prunes defined as non-French prunes. Imported prunes generally have been small in size; and it is expected that prunes to be imported would continue to be of small sizes. The size of prunes to be imported would be more characteristic of those varieties defined in the marketing order as French prunes, rather than of those varieties defined as non-French prunes. Consequently, the application of the respective size restrictions under the marketing order to prunes to be imported would not be practicable because of such variation. Therefore, a comparable size restriction should be established for imported prunes. It is proposed that the size restriction under the marketing order with respect to French prunes should be established for all imported prunes as a comparable size restriction. As to grade requirements for imported prunes, it is proposed that those in effect pursuant to the marketing order be made applicable.

Also included in the proposal are other requirements which pertain to the importation of prunes (e.g., inspection and certification, exemptions, specified entry declarations, certification forms, filing and retention of certifications, and books and records).

The proposal is as follows:

§ 999.200 Regulation governing the importation of prunes.

(a) *Definitions.* (1) "Prunes" means and includes all sun-dried or artificially dehydrated plums, of any type or variety, produced from plums, except: (i) Sulfur-bleached prunes which are produced from yellow varieties of plums and are commonly known as silver prunes; and (ii) plums which have not been dried or dehydrated to a point where they are capable of being stored prior to packaging, without material deterioration or spoilage unless refrigeration or other artificial means of preservation are used, and so long as they are treated by a process which is in conformity with, or generally similar to, the processes for treatment of plums of that type which have been developed or recommended by the Food Technology Division, College of Agriculture, University of California, for the specialty pack known as "high moisture content prunes," but this exception shall not apply if and when such plums are dried to the point where they are capable of being stored without material deterioration or spoilage, refrigeration or other artificial means of preservation.

(2) "Standard prunes" means any lot of prunes meeting the grade and size requirements prescribed in paragraph (b)(1) of this section.

(3) "Manufacturing grade substandard prunes" means any lot of prunes which meets the grade requirements prescribed in paragraph (b)(2) of this section but fails to meet the requirements for standard prunes.

(4) "Size" means the number of prunes contained in a pound.

(5) "Person" means any individual, partnership, corporation, association, or other business unit.

(6) "Fruit and Vegetable Division" means the Fruit and Vegetable Division of the Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(7) "USDA inspector" means an inspector of the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, or any other duly authorized employee of the USDA.

(8) "Importation" means release from custody of the U.S. Bureau of Customs.

(b) *Grade and size requirements.* (1) Except as provided in subparagraph (2) of this paragraph or paragraph (d) of this section, no person may import any lot of prunes into the United States unless the prunes are inspected and an inspection certificate issued with respect thereto, and the lot meets the applicable grade requirements specified in Exhibit A of this section and the average count (i.e., number) of the prunes in such lot is 100 or less per pound. In determining whether any lot conforms to the size requirements, the following tolerance shall apply: In a sample of 100 ounces, the count per pound of 10 ounces of the smallest prunes may not vary from the count per pound of 10 ounces of the largest prunes by more than 45 points.

(2) Any person may import any lot of prunes into the United States for use in human consumption outlets as prune products in which the prunes lose their form and character as prunes by conversion prior to consumption if the prunes are inspected and an inspection certificate issued with respect thereto, and the lot meets the grade requirements set forth in paragraph C (1), (2), and (3) of Exhibit A of this section, and the importer first files as a condition of such importation an executed "Prune Form No. 1 Prunes—Section 8e Entry Declaration".

(c) *Inspection and certification requirements*—(1) *Inspection.* Inspection shall be performed by a USDA inspector in accordance with the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (Part 52 of this title). The cost of each such inspection and related certification shall be borne by the applicant.

(2) *Certification.* Each lot of prunes inspected in accordance with subparagraph (1) of this paragraph shall be covered by an inspection certificate. Each such certificate shall set forth, among other things, the following:

(i) The date and place of inspection.

(ii) The name of the applicant.

(iii) The quantity and identifying marks of the lot inspected.

(iv) The statement, as applicable: "Meets U.S. import requirements for standard prunes under section 8e of the AMA Act of 1937"; "Meets U.S. import requirements for manufacturing grade substandard prunes under section 8e of the AMA Act of 1937"; or "Fails to meet U.S. import requirements for prunes under section 8e of the AMA Act of 1937".

(v) If the lot fails to meet the import requirements, a statement of the reason therefor.

(d) *Exemptions.* Notwithstanding any other provisions of this section, the importation of any lot of prunes which in the aggregate does not exceed 150 pounds, net weight, and any prunes that are so denatured as to render them unfit for human consumption shall be exempt from the requirements of this section.

(e) *Additional requirements*—(1) *General.* Prior to importation of any prunes, the person importing such prunes shall file an inspection certificate with the Collector of Customs at the port at which the customs entry is filed. In addition, if such prunes are manufacturing grade substandard prunes, such person shall also file with the Collector of Customs an executed "Prunes—Section 8e Entry Declaration", prescribed in subparagraph (2) of this paragraph as Prune Form No. 1. Promptly after such filing, such person shall transmit a copy of this executed form to the Fruit and Vegetable Division. No person may import, sell, or use any manufacturing grade substandard prunes other than for use as set forth in paragraph (b) (2) of this section. Each person importing manufacturing grade substandard prunes shall obtain from each purchaser, no later than the time of delivery to such purchaser, and file with the Fruit and Vegetable Diviison not later than the fifth day of the month following the month in which the prunes were delivered, an executed "Prunes—Section 8e Certification of Processor or Reseller", prescribed in subparagraph (3) of this paragraph as Prune Form No. 2. One copy of this executed form shall be retained by the importer and one copy shall be retained by the purchaser.

(2) *Prune Form No. 1.* The following is prescribed as Prune Form No. 1:

PRUNE FORM NO. 1

PRUNES—SECTION 8e ENTRY DECLARATION

I certify to the U.S. Department of Agriculture and the Bureau of Customs that none of the manufacturing grade substandard prunes being imported and which are identified below will be used other than in manufacturing in which the prunes lose their form and identity as prunes.

1. Name of vessel: _____
2. Country of origin of prunes: _____
3. Date of arrival: _____
4. City of arrival: _____
5. Unloading pier: _____
6. Substandard prunes entered: _____

Lot or chop mark	*Number of containers*	*Total net weight (lbs.)*

I agree to obtain from each person to whom any of the manufacturing grade substandard prunes listed under item 6 are delivered an executed Prune Form No. 2 "Prunes—Section 8e Certification of Processor or Reseller" and to file the same with the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the fifth day of the month following the month in which the prunes were delivered.

Dated: _____
Name of firm: _____
Address: _____
Signature: _____
Title: _____

(3) *Prune Form No. 2.* The following is prescribed as Prune Form No. 2:

PRUNE FORM NO. 2

PRUNES—SECTION 8e CERTIFICATION OF PROCESSOR OR RESELLER

I hereby certify to the U.S. Department of Agriculture that I have acquired the manufacturing grade substandard prunes covered by this certification; that I will use or sell them for use only in manufacturing in which the prunes lose their form and identity as prunes as permitted by the Regulation Governing the Importation of Prunes (7 CFR 999.200); and that I am: (check one or both if applicable)

_____ processor (user of prunes for manufacturing).

_____ reseller (dealer in prunes for manufacturing).

1. Date of purchase: _____
2. Place of Purchase: _____
3. Name and address of importer or seller: _____
4. Prunes acquired: _____

Number of containers	*Total net weight (lbs.)*

Dated: _____
Name of firm: _____
Address: _____
Signature: _____
Title: _____

(4) *Manufacturing Grade Substandard Prunes—sale by other than importer.* Each wholesaler or other reseller of manufacturing grade substandard prunes should, for his protection, obtain from each purchaser and hold in his files an executed Prune Form No. 2 certification covering each sale or all sales of a calendar year.

(f) *Reconditioning.* Nothing contained in this section shall preclude the reconditioning of failing lots of prunes, prior to importation, so that such prunes may be made eligible to meet the grade requirements prescribed pursuant to paragraph (b) (1) or (2) of this section.

(g) *Books and records.* Each person subject to this section shall maintain true and complete records of his transactions with respect to imported prunes. Such records and copies of executed forms shall be retained for not less than 2 years subsequent to the calendar year of acquisition. The Secretary, through his duly authorized representatives, shall have access to any such person's premises during regular business hours and shall be permitted at any such times to inspect such records and any prunes held by such person.

(h) *Other restrictions.* The provisions of this section do not supersede any restrictions or prohibitions on the importation of prunes under the Plant Quarantine Act of 1912, the Federal Food, Drug and Cosmetic Act, or any other applicable laws or regulations or the need to comply with applicable food and sanitary regulations of city, county, State, or Federal Agencies.

(i) *Compliance.* Any person who violates any provision of this section shall be subject to a forfeiture in the amount prescribed in section 8a(5) of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), or, upon conviction, a penalty in the amount prescribed in section 8c(14) of said act, or to both such forfeiture and penalty. False representations to an agency of the United States on any matter within its jurisdiction, knowing it to be false, is a violation of 18 U.S.C. 1001 which provides for a fine or imprisonment or both.

EXHIBIT A

GRADE REQUIREMENTS

A. *Defects.* Defects are: (1) Off-color; (2) inferior meat condition; (3) end cracks; (4) fermentation; (5) skin or flesh damage; (6) scab; (7) burned; (8) mold; (9) imbedded dirt; (10) insect infestation; (11) decay.

B. *Explanation of terms.* (1) "Off-color" means a dull color or skin differing noticeably in appearance from that which is characteristic of mature, properly handled fruit of a given variety or type.

(2) "Inferior meat condition" means flesh which is fibrous, woody or otherwise inferior due to immaturity to the extent that the characteristic texture of the meat is substantially affected.

(3) "End cracks" means callous growth cracks, at the blossom end of prunes, aggregating more than three-eights of one inch (⅜") but not more than one-half of one inch (½") in length.

(4) "Fermentation" means damage to the flesh by fermentation to the extent that the characteristic appearance or flavor is substantially affected.

(5) "Skin or flesh damage" means growth cracks, splits, breaks in skin or flesh of the following descriptions:

(a) Callous growth cracks, except end cracks as defined in this section, aggregating more than three-eights of one inch (⅜") in length;

(b) Splits or skin breaks exposing flesh and materially affecting the normal appearance of the prunes;

(c) Any checks, splits or breaks open to the pit;

(d) Healed or unhealed surface or flesh blemishes caused by insect injury and which materially affect appearance, edibility or keeping quality.

(6) "Scab" means tough or thick scab exceeding in the aggregate the area of a circle three-eighths of one inch (⅜") in diameter or by unsightly scab of another character exceeding in the aggregate the area of a circle three-fourths of one inch (¾") in diameter.

(7) "Burned" means injury by sunburn or excessive heat in dehydration to the extent that the characteristic appearance, flavor or edibility of the fruit is noticeably affected.

(8) "Mold" means a characteristic fungus growth and is self-explanatory.

(9) "Imbedded dirt" means the presence of dirt or other extraneous material so imbedded in, or adhering to, the prune that it cannot readily be removed in washing the fruit.

(10) "Insect infestation" means the presence of insects, insect fragments or insect remains.

C. *Maximum tolerances.* Tolerance allowances shall be on a weight basis and shall not exceed the following:

(1) There shall be no tolerance allowance for live insect infestation.

(2) The tolerance allowance for decay shall not exceed one percent (1%).

(3) The combined tolerance allowance for mold, imbedded dirt, insect infestation, and decay shall not exceed five percent (5%).

(4) The combined tolerance allowance for fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed eight percent (8%).

(5) The combined tolerance allowance for end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed ten percent (10%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

(6) The combined tolerance allowance for off-color, inferior meat condition, end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed fifteen percent (15%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

Dated: June 8, 1971.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-8389 Filed 6-14-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

INGREDIENT STATEMENTS REGARDING OILS AND FATS

Proposed Statement of Policy

The Commissioner of Food and Drugs is studying the best means of providing important nutritional information on the labels of various foods. This document concerning labeling statements regarding oils and fats is one of several which are part of this study.

A food industry practice has been to declare individual vegetable oils, hardened vegetable oils, animal and marine oils and fats, and the hardened counterparts in the ingredients statement of fabricated foods under such broad terms as "shortening," "vegetable oil," or "hardened (or hydrogenated) vegetable oil."

This practice was supported by trade correspondence TC-62, TC-94, and TC-209 issued by the Food and Drug Administration on February 15 and 21, and March 21, 1940, respectively.

TC-62 allows the hardened fat or oil to be declared in the ingredients statement as such without naming the individual oil beyond its vegetable, animal, or marine origin.

TC-94 allows various shortenings in fabricated foods to be declared in the ingredients statement solely as "shortening" without naming each specific fat or oil when the particular shortening cannot always be predicted in advance.

TC-209 allows vegetable oil used for frying potato chips to be declared in the ingredients statement as cooked (or fried) in vegetable oil.

The labeling practices permitted by these trade correspondences were allowed on the understanding that if it developed that the practices resulted in denying consumers the information which the provisions of the law guarantee, such permission would have to be withdrawn after due notice.

In recent years there has developed heightened consumer interest in the kind and exact nature of fats and oils added to fabricated foods. Further, the various fats and oils used by the food industry have become more readily available; therefore, the shortening ingredients of fabricated foods can be predicted by the manufacturers of fabricated foods and are readily available from their suppliers.

Having considered these developments, the Commissioner of Food and Drugs concludes that a policy statement should be established as proposed below to withdraw the opinions expressed in the subject trade correspondences and to prescribe updated requirements.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403(i), 701(a), 52 Stat. 1048, 1055; 21 U.S.C. 343(i), 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that a new section be added to Part 3, as follows:

§ 3.83 Ingredient statements regarding oils and fats.

(a) In view of the ready availability of various fats and oils and hardened fats from vegetable and animal sources, and the consumer's desire to know the specific identity and nature of the fat ingredients in the foods he purchases, the Food and Drug Administration withdraws the opinions expressed in trade correspondences TC-62, TC-94, and TC-209 (issued February 15 and 21, and March 21, 1940, respectively) and will regard as misbranded articles of food which do not bear in the ingredients statement the common or usual name of the individual shortening or fat ingredient, whether animal or vegetable, in its proper order of predominance.

(b) The names by which such ingredients shall be declared in label statements are as follows:

(1) The rendered fat or oil, or stearin derived therefrom (any or all of which may be hydrogenated), of any animal, or any combination of two or more such articles, shall be declared by the name of the specific animal fat, oil, or stearin; for example, "beef fat." If the animal fat or oil is hydrogenated, the name should include the term "hydrogenated," "partially hydrogenated," or "hardened," whichever is factual and desirable. Where combinations are used, the names shall be arranged in order of predominance, with the animal fat, oil, or stearin present in greatest proportion named first.

(2) Any vegetable food fat or oil, or stearin derived therefrom (any or all of which may be hydrogenated), or any combination of two or more such articles, shall be declared by the name of the for example, "cottonseed oil" or "soybean oil." If the vegetable fats or oils present are hydrogenated, the declaration should include the term "hydrogenated," "partially hydrogenated," or "hardened"; for example, "hydrogenated cottonseed oil," "partially hydrogenated cottonseed oil," or "hardened cottonseed oil," whichever is factual and desirable. If two or more vegetable food fats or oils are used, they shall be named in order of predominance with the one present in the greatest proportion named first in the series; for example, "cottonseed oil, soybean oil, and corn oil."

(c) Regulatory proceedings may be initiated regarding interstate shipment of articles labeled contrary to the provisions of this section if such act occurs after 1 year following the addition of this section to this Part 3.

Interested persons may, within 90 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 8, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-8272 Filed 6-14-71;8:45 am]

[21 CFR Parts 3, 125]

EDIBLE OILS, FATS, AND FATTY ACIDS

Labeling Requirements

The Commissioner of Food and Drugs is studying the best means of providing important nutritional information on the labels of various foods. This document

concerning the labeling of oils, fats, and fatty foods is one of several which are part of this study.

A. Consumers are being confused and misled by labeling statements such as "no cholesterol," "less cholesterol," or "lower cholesterol," especially on products containing substantial amounts of saturated fats. Also, the term "unsaturated" applied to edible oils, fats, and fatty foods is ambiguous and therefore misleading. Accordingly, the Commissioner concludes that in the interest of consumers § 3.41 should be expanded as proposed below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403, 701, 52 Stat. 1047–48, as amended, 1055–56, as amended; 21 U.S.C. 343, 371) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 3.41 be amended by adding two new paragraphs, as follows:

§ 3.41 **Status of articles offered to the general public for the control or reduction of blood cholesterol levels and for the prevention and treatment of heart and artery disease under the Federal Food, Drug, and Cosmetic Act.**

* * * * *

(d) Any statement in the labeling which represents or suggests that the article contains less or no cholesterol will be considered to be a direct or implied claim as specified in paragraph (c) of this section.

(e) Because of the ambiguity of the term "unsaturated," the Food and Drug Administration considers the term misleading when applied to the labeling of edible oils, fats, or fatty foods. Labeling statements are acceptable, however, that indicate the content of the fat and its source and of saturated, monounsaturated, and polyunsaturated fatty acids, in accordance with § 125.12 of this chapter. Any other labeling use of the terms "polyunsaturated," "monounsaturated," or "saturated" in relation to the fat content of foods will be considered misleading.

B. In a notice published in the FEDERAL REGISTER of May 25, 1965 (30 F.R. 6984), the Food and Drug Administration proposed to establish requirements for label statements relating to oils, fats, and fatty foods used as a means of regulating the intake of fatty acids in dietary management. The notice provided for the filing of comments within 60 days after said date, and this was extended to October 22, 1965, by a notice published July 27, 1965 (30 F.R. 9323).

In response, comments were received from a number of sources. Some favored the proposal, some opposed it, and some indicated that the role of fats in the diet had not been sufficiently studied to make a sound decision.

The American Heart Association and the American Diabetes Association filed comments in favor of the proposal.

The American Medical Association's Council on Foods and Nutrition urged rejection or postponement of the proposal for a year to permit completion of a study and submission of findings to the Food and Drug Administration.

The proposal was terminated by an order published March 2, 1966 (31 F.R. 3301), with the stipulation that the proposal could be resubmitted or another made at some future time when additional facts bearing on the issue of appropriate labeling requirements have been developed.

The American Medical Association's Council on Foods and Nutrition submitted their report on May 5, 1967, which concludes with four recommendations, as follows:

1. Labels of foods which contain 10 percent or more of the dry weight as fat should be permitted to indicate the fatty acid composition of the contained fat.

2. Label information should include the fat content of the product as purchased in percent and the percentages of saturated, monoenoic, and polyunsaturated fatty acids expressed as the esterified fatty acids.

3. Labeling the fatty acid content of foods should be a voluntary program permitted at the manufacturer's discretion.

4. The manufacturer should be permitted to call attention in his advertising to the fatty acid content of the product; however, since optimal results with a fat-modified diet require regulation of all sources of fat and cholesterol within the diet, no claims for the prevention or mitigation of disease should be permitted either on the product label or in associated advertising.

In the last 5 years, the terms "saturated," "monounsaturated," and "polyunsaturated," as applied to food fats or fatty acids, have received a great deal more publicity. As a result, numerous consumers have indicated strong interest in this subject generally, have inquired as to the types of fats being used in foods, and have requested information about fat-containing foods.

Accordingly, the Commissioner of Food and Drugs concludes that in response to such inquiries and requests, and in the interest of consumers, a regulation on such labeling requirements should be established as proposed below. Therefore, pursuant to provisions of the act (secs. 403(j), 701, 52 Stat. 1048, 1055–56, as amended; 21 U.S.C. 343(j), 371) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that a new section be added to Part 125, as follows:

§ 125.12 **Label statements relating to oils, fats, and fatty acids used as a means of regulating intake of fatty acids.**

(a) A food containing 10 percent or more fat on a dry weight basis and not less than 3 grams of fat in an average serving, and represented for special dietary use by man as a means of regulating the intake of fatty acids, shall bear an accurate label statement of:

(1) The percentage of polyunsaturated fatty acids, calculated as the glyceryl ester of the total *cis-cis*-methylene-interrupted polyunsaturated fatty acids, and in equal prominence the percentage of saturated fatty acids, calculated as the glyceryl ester of the fatty acids, both being percentages of the fat in the food as prepared for consumption according to directions.

(2) The total fat content in terms of percentage of the food, as prepared for consumption according to directions.

(3) The total fat content in terms of the percentage of the total calories in the food provided by fat.

(4) The total number of calories provided by an average serving of the food.

(5) The specific fat source and the word "hydrogenated," or "partially hydrogenated," if true.

(b) For the purpose of this section, foods containing less than 10 percent fat on a dry weight basis and foods containing less than 3 grams of fat in an average serving shall not be considered to be suitable for use by man as a means of regulating the intake of fatty acids. Determinations of fat and saturated fatty acids should be based on appropriate AOAC methods or methods giving comparable results. The *cis-cis*-methylene-interrupted polyunsaturated fatty acids determination should be made by using the official Canadian Food and Drug Directorate FA–59 method. Because of natural variation in fatty acid content occurring in specific oils on a batch-to-batch basis, a reasonable variation in the declaration of the fatty acid content will be permitted.

Interested persons may, within 90 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 8, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-8273 Filed 6-14-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 11134]

BRITISH AIRCRAFT CORPORATION MODEL BAC 1-11 200 AND 400 SERIES AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to British Aircraft Corp. Model BAC 1-11 200 and 400 series airplanes. There has

been a report of failure of the flap secondary drive system due to excessive end float in one of the eight trackside support bearing assemblies. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require periodic inspections of the bearing assemblies and correction of excessive end float pending installation of modified bearing assemblies on British Aircraft Corp. Model BAC 1-11 200 and 400 series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before July 15, 1971, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend section 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Model BAC 1-11 200 and 400 series airplanes.

Compliance is required as indicated.

To prevent possible failures of the flap system secondary drive shafts at the trackside support bearing assemblies, accomplish the following at each bearing assembly (eight per airplane) which has not had British Aircraft Corp. Modification PM 4642 incorporated:

(a) For each bearing assembly, within the next 1,000 landings after the effective date of this AD, or before the accumulation of 4,000 landings, whichever occurs later, and thereafter at intervals not to exceed 1,350 landings from the last inspection, visually inspect the bearing assembly for end float in accordance with British Aircraft Corp. Model BAC 1-11 Alert Service Bulletin No. 27-A-PM 4642, dated September 28, 1970, or an FAA-approved equivalent.

(b) If the bearing assembly end float is found to exceed 0.050 inches during an inspection required by this AD and—

(1) The four alternate locking tabs have not been bent over, comply with paragraph (c), (d), or (e).

(2) The four alternate tabs have been bent over, comply with paragraph (d) or (e).

(c) Bend over the four alternate locking tabs of the affected bearing assembly in accordance with paragraph 2.1.3. of British Aircraft Corp. Model BAC 1-11 Alert Service Bulletin No. 27-A-PM 4642, dated September 28, 1970, or an FAA-approved equivalent. Repeat the inspection specified in paragraph (a) on the affected bearing assembly at intervals not to exceed 1,350 landings from the last inspection.

(d) Overhaul the affected bearing assembly by replacing the fork end, bushings, thrust washers, and retaining ring with serviceable parts of the same part number. Before the accumulation of a total of 4,000 landings on the overhauled bearing assembly and thereafter at intervals not to exceed 1,350 landings from the last inspection, repeat the inspection specified in paragraph (a).

(e) Replace the affected bearing assembly with a serviceable bearing assembly which has BAC Modification PM 4642 incorporated.

(f) Operators who have not kept records of the number of landings accumulated on individual bearing assemblies shall substitute airplane landings in lieu thereof.

(g) For the purpose of complying with this AD, subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the BAC 1-11 airplane.

(h) Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval by the Chief, Aircraft Certification Staff, FAA Europe, Africa, and Middle East Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

Issued in Washington, D.C., on June 9, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.71-8355 Filed 6-14-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SW-20]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Winnsboro, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

WINNSBORO, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Winnsboro Municipal Airport (latitude 32°56'22" N., longitude 95°16'43" W.) and within 1.5 miles each side of the Quitman, Tex., VOR 054° radial extending from the 5-mile radius area to the VOR.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at Winnsboro, Tex., Municipal Airport.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on June 4, 1971.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.71-8357 Filed 6-14-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-45]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Jefferson, Ohio, transition area (36 F.R. 2209).

The VOR instrument approach procedure for Ashtabula-Jefferson Airport has been cancelled and will require alteration of the 700-foot-floor transition area in order that only that controlled airspace necessary to protect aircraft executing the VOR instrument approach procedure prescribed for Ashtabula County Airport will be designated.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice

in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Jefferson, Ohio, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Jefferson, Ohio, 700-foot-floor transition area and insert the following in lieu thereof:

JEFFERSON, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°46'40" N., 80°41'45" W. of Ashtabula County Airport, Ashtabula, Ohio, and within 3.5 miles each side of the Jefferson, Ohio, VORTAC 243° radial, extending from the 5-mile-radius area to 11.5 miles southwest of the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on May 26, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-8358 Filed 6-14-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-43]

TRANSITION AREA AND CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Johnstown, Pa., control zone (36 F.R. 2094) and transition area (36 F.R. 2210).

The VOR instrument approach procedures for Johnstown-Cambria County Airport, Johnstown, Pa., have been revised in accordance with the U.S. Standard for Terminal Instrument Procedures. The revised procedures will require alteration of the control zone and 700-foot-floor transition area to provide controlled airspace protection for aircraft executing the procedures. In addition, the proposed alteration will amend the hours of control zone designation.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Johnstown, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Johnstown, Pa., control zone and insert the following in lieu thereof:

Within a 5.5-mile radius of the center, 40°19'00" N., 78°50'00" W. of Johnstown-Cambria County Airport, Johnstown, Pa.; within 3.5 miles each side of the Johnstown VORTAC 044° radial, extending from the 5.5-mile-radius zone to 10 miles northeast of the VORTAC; within 3 miles each side of the Johnstown VORTAC 216° radial, extending from the 5.5-mile-radius zone to 8.5 miles southwest of the VORTAC, and within 3.5 miles each side of the Johnstown VORTAC 320° radial, extending from the 5.5-mile-radius zone to 10.5 miles northwest of the VORTAC. This control zone is effective from 0700 to 2300 hours, local time, daily.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Johnstown, Pa. 700-foot-floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 14-mile radius of the center, 40°19'00" N., 78°50'00" W. of Johnstown-Cambria County Airport, Johnstown, Pa.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Jamaica, N.Y., on May 26, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-8359 Filed 6-14-71;8:48 am]

Hazardous Materials Regulations Board

[49 CFR Part 178]

[Docket No. HM-87; Notice No. 71-18]

TRANSPORTATION OF HAZARDOUS MATERIALS

Cargo Tank Attachments

The Hazardous Materials Regulations Board is considering amending § 178.340-8 of the Department's Hazardous Materials Regulations to clarify the requirements for accessory attachments to specifications MC 306, MC 307, and MC 312 cargo tanks.

The Truck Trailer Manufacturer's Association and the Steel Tank Institute both have petitioned the Board to clarify the regulations regarding light-weight attachments to a cargo tank shell. In view of the present requirements for pads at the point of all appurtenance attachments made by welding, difficulty in application of the regulations has arisen regarding non-liquid-carrying appurtenances welded to a cargo tank shell or head. Data were submitted to substantiate the performance standards described in the proposed rule, showing that these attachments can be made without adversely affecting tank integrity. The Board believes there is merit in the petitioners' proposals.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 178 as follows:

In § 178.340-8, paragraph (a) would be amended to read as follows:

§ 178.340 General design and construction requirements applicable to specification MC 306 (§ 178.341), MC 307 (§ 178.342), and MC 312 (§ 178.343) cargo tanks.

§ 178.340-8 Accident damage protection.

(a) Appurtenances: The term "appurtenance" means any cargo tank accessory attachment that has no liquid product retention or other liquid containment function, and provides no structural support to the tank.

(1) The design, construction, and installation of any appurtenance to the shell or head of the cargo tank must be such as to minimize the possibility of appurtenance damage or failure adversely affecting the product retention integrity of the tank.

(2) Structural members, such as the suspension subframe, overturn protection and external rings, when practicable, should be utilized as sites for attachment of appurtenances and any other accessories to a cargo tank.

(3) Except as prescribed in subparagraph (5) of this paragraph, the welding of any appurtenance to a shell or head must be made by attachment to a mounting pad. The thickness of a mounting pad must not be less than that of the shell or head to which it is attached. A pad must extend at least 2 inches in each direction from any point of attachment of an appurtenance. Pads must have rounded corners or otherwise be shaped in a manner to preclude stress concentrations on the shell or head. The mounting pad must be attached by a continuous weld around the pad.

(4) The appurtenance must be attached to the mounting pad so there will be no adverse affect upon the product-retention integrity of the tank if any force is applied to the appurtenance, in any direction, except normal to the tank, or within 45° of normal.

(5) Side cabinets, conduit clips, brake-line clips, and similar light attaching

devices which are of a metal thickness, construction, or material appreciably less strong but not more than 72 percent of the thickness of the tank shell or head to which such a device is attached, may be secured directly to the tank shell or head if each device is so designed and installed that damage to it will not affect the product retention integrity of the tank. Welds must be of the lap type. These light weight attachments should be secured to the tank shell by continuous weld as to preclude formation of pockets, which may become sites for incipient corrosion.

* * * * *

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before August 24, 1971, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on June 8, 1971.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety, by direction of the Commandant.

KENNETH L. PIERSON,
Acting Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

[FR Doc.71-8360 Filed 6-14-71;8:48 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definition for Purpose of Government Procurements for Products of Meat Packing Plants

Pursuant to authority contained in section 3 of the Small Business Act (15 U.S.C. 632), notice is hereby given that the Small Business Administration proposes to reduce the definition of a small business for the purpose of Government procurements for products classified in SIC Industry 2011, Meat Packing Plants.

Currently a concern is small for the purpose of Government procurements of products classified in SIC Industry 2011, Meat Packing Plants, if, together with its affiliates, its number of employees does not exceed 750 persons. This definition became effective June 1, 1967. Prior to that time the size standard was 500 employees. The increase in the size standard was based upon the conclusion that there was not an adequate competitive base for companies competing on set-aside procurements, and accordingly that the base should be extended to widen the Government market for products classified in the aforementioned industry. Further it had been brought to the attention of the Small Business Administration that the intermediate concerns (those having between 500 and 750 employees) were not as diversified as the "industry giants" and that the lack of diversification caused them to be at a competitive disadvantage. Therefore the 750-employee size standard was adopted.

We now have information that the conditions which caused us to increase the size standard do not now prevail. Accordingly we are of the opinion that the definition of small business should be reduced back to 500 employees, unless we are furnished persuasive evidence to the contrary, The rationale for this proposal is as follows:

1. There presently are numerous concerns with under 500 employees capable of bidding on Government contracts for products in SIC Industry 2011, Meat Packing Plants.

2. While the intermediate firms may not be classified as "industry giants," they are among the leading concerns in the industry. In fact less than 2 percent of the concerns in the industry have more than 500 employees. Further, concentration in the industry has been declining and the intermediate concerns as a class suffer no diseconomies of scale viz-a-viz so called industry "giants." Finally, in many cases, advances in technology and transportation and the construction of newer plants supplanting older outmoded facilities in terminal market cities have allowed aggressive intermediate-sized concerns to increase their market shares. The wide use of Federal grades for beef have made it easier for such firms to compete on equal terms with packers selling brand names already well known.

In view of the above the SBA proposes to reduce the procurement size standard for SIC Industry 2011 from 750 employees to 500 employees.

Interested parties may file with the Small Business Administration within 30 days of publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions, or arguments concerning this proposal .

All correspondence shall be addressed to:

Small Business Administration, Size Standards Staff, 1441 L Street NW., Washington, DC 20416.

Dated: June 9, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-8412 Filed 6-14-71;8:51 am]

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definition for Purpose of Government Procurements for Fluid Milk Products

Pursuant to authority contained in section 3 of the Small Business Act (15 U.S.C. 632), notice is hereby given that the Small Business Administration proposes to reduce the definition of a small business for the purpose of Government procurements for products classified in SIC Industry 2026, Fluid Milk.

Currently a concern is small business for the purpose of Government procurement of products classified in SIC Industry 2026, Fluid Milk, if, together with its affiliates, its number of employees does not exceed 750 persons. This definition became effective May 11, 1964. It was based on a conclusion that, in determining which concerns were to be considered small for the purpose of receiving SBA assistance, the Small Business Administration primarily should be concerned with their competitive position on a National basis and should give little consideration to the question whether the definition would include as small the leading producers in significant local competitive markets. Under these circumstances, a 750-employee size standard seemed appropriate.

Now we are of the opinion that, in the absence of persuasive reasons to the contrary, the size standard for an industry should not be so high as to include the leading producers in significant local competitive markets, and insofar as the definition of small business for the purpose of Government procurements for products in SIC 2026, Fluid Milks is concerned, we have the following views:

1. The currently effective 750-employee size standard includes all or almost all of the largest local dairies which, in most instances, have a greater market share in local areas than the National and regional giants. Further, these concerns have reached such economies of scale and have gained such competitive strength that they can compete with any concern in their local market areas including National and regional giants, and accordingly they should not need small business set-aside protection.

2. While Government contracts may be vital to the preservation of some smaller local dairies, this generally is not true of National, regional, or larger local dairies.

3. Due to the increased use of automation the currently effective size standard includes larger companies than intended.

In view of the above SBA proposes to reduce the procurement size standard for SIC Industry 2026 from 750 employees to 500 employees.

Interested parties may file with the Small Business Administration within 30 days of publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions, or arguments concerning this proposal.

All correspondence shall be addressed to:

Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, DC 20416. Attention: Size Standards Staff.

Dated: June 9, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-8413 Filed 6-14-71;8:51 am]

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definition for Purpose of Government Procurements for Custodial and Janitorial Services

Pursuant to authority contained in section 3 of the Small Business Act (15 U.S.C. 632), notice is hereby given that the Small Business Administration proposes to decrease the small business size standard for the purpose of Government procurements for custodial and janitorial services from average annual receipts not exceeding $3 million, to average annual receipts not exceeding $2 million.

Prior to May 21, 1966, the size standard for this industry was average annual receipts not exceeding $1 million. However, effective on such date, the standard was raised from $1 million to $3 million (31 F.R. 7375), The basis for the increase were that (1) costs, prices, and the total market volume had increased substantially since $1 million standard was adopted, and (2) that the size of Government contracts for janitorial and custodial services had increased to the point where a small business receiving one or two large contracts would become large.

The Small Business Administration has just completed a review of preliminary 1967 Census of Business data for SIC Industry 7349, Miscellaneous Services to Dwellings and other Buildings, and also a computer run showing the Defense Department's Military Prime Contract Awards of $10,000 or more for Federal Supply Classification S709 Custodial and Janitorial Services.

The Census data show that 9,434 business enterprises or 99 percent of the total number of businesses in the industry reported annual receipts of less than $1 million and that these 9,434 businesses accounted for more than half of the total industry receipts.

The DOD data show that there were 719 awards for custodial and janitorial services in the total amount of $39.4 million, and that small business concerns were awarded not only the 666 small business set-aside contracts for a total of $34.6 million, but also received all the awards on unrestricted procurements available both to small and large business. These data also show that the averge size contract was only $50,000 and the medium size contract was only $30,000.

It is the opinion of the Small Business Administration that, under the above circumstances, even though there have been further cost and price increases since 1966, the $3 million standard currently in effect is too high in that it clearly includes companies that are able to compete successfully without the assistance of set-aside protection. If the small business set-aside program is to be of value to the small business community, it must be based on definitions of small business which have the effect of offering a protective umbrella only to those concerns which need such protection in order to successfully compete.

Accordingly the Small Business Administration proposes to lower the small business size standard from $3 million to $2 million.

Interested parties may file with the Small Business Administration within 30 days of publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

Small Business Administration, 1441 L Street NW., Washington, DC 20416. Attention: Size Standards Staff.

Dated: June 10, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-8414 Filed 6-14-71;8:51 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 153]

ANTIDUMPING

Extension of Time for Submissions

JUNE 11, 1971.

On April 13, 1971, a notice of proposed rule making inviting interested persons to submit suggestions for improving the Antidumping Regulations was published in the FEDERAL REGISTER (36 F.R. 7012). A period of 60 days from the date of publication was provided in accordance with section 553, title 5, United States Code, for all interested persons to submit relevant suggestions to the Commissioner of Customs.

In order to provide additional time in which to submit suggestions, as requested by several persons, the time period for submissions is hereby extended until July 30, 1971.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-8464 Filed 6-14-71;9:03 am]

Notices

POST OFFICE DEPARTMENT

ACTING JUDICIAL OFFICER

Designation

The order set out below was issued by the Judicial Officer on June 3, 1971.

(5 U.S.C. 301; 39 U.S.C. 308a, 501; 39 CFR 821.3(c)(e); 36 F.R. 4755)

DAVID A. NELSON,
General Counsel.

DESIGNATION OF ACTING JUDICIAL OFFICER

1. Except as provided in paragraph 2 below or as otherwise specifically ordered, the Chief Hearing Examiner is designated as the Acting Judicial Officer during the absence of the Judicial Officer.

2 Except as otherwise specifically ordered Hearing Examiner John Lewis is designated as Acting Judicial Officer during the absence of the Judicial Officer solely with respect to any proceeding assigned to the Chief Hearing Examiner for hearing and initial decision.

3. The Acting Judicial Officer is hereby empowered to exercise the full authority of the Judicial Officer while he is so serving as provided by the laws and regulations pertaining to the Postal Service.

ADAM G. WENCHEL,
Judicial Officer.

[FR Doc. 71-8364 Filed 6-14-71;8:48 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, DIVISION OF MANAGEMENT SERVICES, ET AL., NEVADA

Redelegation of Authority Regarding Lands and Resources

JUNE 10, 1971.

Pursuant to the authority contained in section 1.1 of Bureau Order No. 701, as amended (29 F.R. 10526), authority to take action on the following matters is redelegated as follows:

The Chief, Division of Management Services, and the Chief, Branch of Records and Data Management are authorized to take action on the matters listed in sections 2.2(c), 2.3(c), and 2.4(a)(4) of the above cited order.

The Chief, Branch of Lands and Minerals Operations is authorized to take actions on the matters listed in sections 2.6 and 2.9 of the above cited order.

The authority delegated herein may not be redelegated.

These redelegations are effective June 15, 1971.

NOLAN F. KEIL,
State Director, Nevada.

Approved:
JOHN O. CROW,
Associate Director.

[FR Doc.71-8333 Filed 6-14-71;8:45 am]

[OR 7771]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 7, 1971.

The Bureau of Sport Fisheries and Wildlife, Department of the Interior, has filed an application, Serial No. OR 7771, for the withdrawal of public lands described below, from all forms of appropriation under the public land laws, including the mining laws but not from leasing under the mineral leasing laws.

The applicant desires the use of the lands as part of the Malheur National Wildlife Refuge for the management of migratory birds and other wildlife.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, OR 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

T. 25 S., R. 33 E.,
Sec. 34, lot 10.
T. 26 S., R. 33 E.,
Sec. 3, lots 2, 4, and 10 and SW¼SE¼;
Sec. 10, W½NE¼.

The area described aggregates 199.90 acres in Harney County.

IRVING W. ANDERSON,
Acting Chief,
Division of Technical Services.

[FR Doc.71-8387 Filed 6-14-71;8:50 am]

STATE DIRECTOR, ALASKA

Delegation of Authority

JUNE 9, 1971.

Pursuant to Bureau of Land Management Manual 1510.03B2 (33 F.R. 7590), State Director, Bureau of Land Management, Alaska, is delegated authority to negotiate contracts in excess of $2,500, under section 302(c)(10) of the FPAS Act of 1949, for air transportation services not related to emergency fire presuppression or suppression, in accordance with the following:

1. *Limitations.* This authority may be used only:

(a) To hire aircraft with crew for transportation of persons or cargo, not for project work.

(b) To hire such aircraft for unforeseeable short term needs, where lead time is not available to permit Portland Service Center to handle the contract.

(c) After it has been determined that Bureau-owned aircraft, or aircraft available under existing contracts or offers (when appropriate) cannot satisfy the need.

2. *Redelegation.* This authority may be redelegated only to qualified personnel within the State Office Division of Management Services. Redelegation must be published in the FEDERAL REGISTER.

ED HASTEY,
Acting Assistant Director,
Administration.

[FR Doc.71-8342 Filed 6-14-71;8:46 am]

Office of Hearings and Appeals

[Docket No. M 71-21]

FREEMAN COAL MINING CORP.

Notice of Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. § 861(c) (Supp. V, 1970)), notice is given that the Freeman Coal Mining Corporation has filed a petition to modify the application of § 75.316-2(b) of Title 30, Code of Federal Regulations, to five of its mines, namely,

Crown Mine, Farmersville, Montgomery County, Ill.
Orient No. 6, Waltonville, Jefferson County, Ill.
Orient No. 5, Benton, Franklin County, Ill.
Orient No. 4, Pittsburg, Williamson County, Ill.
Orient No. 3, Waltonville, Jefferson County, Ill.

Section 75.316-2(b) provides as follows:

(b) Permanent stoppings, overcasts, undercasts, and shaft partitions should be constructed of substantial, incombustible material, such as concrete, concrete blocks,

cinder block, brick, or tile, or some other incombustible material having sufficient strength to serve the purpose for which the stopping or partition is intended. In heavy or caving areas, timbers laid longitudinally "skin to skin" may be used. Such permanent stoppings should be erected between the intake and return aircourses in entries and should be maintained to and including the third connecting crosscut outby the faces of the entries. Permanent stoppings should be used to separate belt haulage entries from entries used as intake and return aircourses.

Petitioner proposes to modify the application of § 75.316-2(b) to the mines listed by continuing to use wood which has been treated as fire retardant to construct partitions and stoppings in the mine areas known as panels and/or room entries. Petitioner asserts that the use of fire retardant wood in those areas guarantees no less than the same measure of protection afforded the miners by the use of concrete, concrete blocks, or other nonflexible materials in constructing stoppings and partitions and in fact would increase the protection afforded the miners because of the flexibility and other advantageous physical characteristics of wood. Petitioner asserts that the standard set forth in § 75.316-2(b) would result in a diminution of safety to the miners.

Parties interested in this petition should file their answers or comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the petition are avaliable for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

JUNE 7, 1971.

[FR Doc.71-8343 Filed 6-14-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

TEMPLETON LIVESTOCK MARKET ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
CALIFORNIA	
Templeton Sales Yard, Templeton, Oct. 3, 1959	Templeton Livestock Market, Apr. 26, 1971.
IOWA	
Traer Sales Company, Inc., Traer, Mar. 11, 1957	Traer Auction Company, Inc., June 1, 1971.
KANSAS	
Cloud County Livestock Commission Company, Inc., Concordia, May 7, 1952.	Hansen Livestock Auction, May 24, 1971.
MISSOURI	
Thayer Sales Company, Thayer, May 18, 1959	Sho Me Feeder Pigs, Inc., Mar. 1, 1971.
NEBRASKA	
Morrison Livestock Auction, Scottsbluff, Nov. 28, 1938.	Morrison's Twin City Livestock Auction Co., Apr. 16, 1971.
TEXAS	
Crockett Livestock Auction, Crockett, Jan. 16, 1957.	Crockett Livestock Auction, Inc., Apr. 6, 1971.
Dalhart Auction Co., Dalhart, Nov. 6, 1956	Dalhart Auction Company, Apr. 30, 1971.

Done at Washington, D.C., this 9th day of June 1971.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71-8370 Filed 6-14-71;8:49 am]

DEPARTMENT OF COMMERCE

National Technical Information Service

POLICY FOR HONORING AND FILLING ORDERS RECEIVED

Change in Prepayment Requirement and Establishment of Billing Procedure

The National Technical Information Service has modified its previous policy of requiring prepayment on all orders and will honor all orders received accompanied by a purchase order from business, industry, State and local government. Such orders will be billed to the customer on a biweekly basis. A handling charge of 50 cents per line item filled will be included in the billing. Prospective customers are encouraged to inquire concerning the NTIS deposit account system which provides a more efficient ordering system for repeat customers.

WILLIAM T. KNOX,
Director.

Approved: June 8, 1971.

JAMES H. WAKELIN, Jr.,
Assistant Secretary for Science and Technology.

[FR Doc.71-8383 Filed 6-14-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 12516]

METHYSERGIDE MALEATE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug for oral use:

Sansert Tablets, containing methysergide maleate; Sandoz Pharmaceuticals, Division of Sandoz-Wander, Inc., Route 10, Hanover, New Jersey 07936 (NDA 12-516).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that methysergide maleate is effective for the prevention or reduction of intensity and frequency of vascular headaches in patients suffering from one or more severe vascular headaches per week and in patients suffering from vascular headaches that are uncontrollable or so severe that preventive therapy is indicated regardless of the frequency of the attack.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Methysergide maleate preparations are in tablet form suitable for oral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations. The labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows:

INDICATIONS

For the prevention or reduction of intensity and frequency of vascular headaches in the following kinds of patients:

1. Patients suffering from one or more severe vascular headaches per week.
2. Patients suffering from vascular headaches that are uncontrollable or so severe that preventive therapy is indicated regardless of the frequency of the attack.

c. The package labeling and other labeling bearing information for use of the drug by practitioners begins with the following statement, set apart in a "box":

WARNING

Retroperitoneal Fibrosis, Pleuropulmonary Fibrosis and Fibrotic Thickening of Cardiac Valves May Occur in Patients Receiving Long-term Methysergide Maleate Therapy. Therefore, This Preparation Must be Reserved for Prophylaxis in Patients Whose Vascular Headaches Are Frequent and/or Severe and Uncontrollable and Who Are Under Close Medical Supervision.

(See Also "Warnings" Section.)

(Labeling Guidelines for the drug are available from the Administration on request.)

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling, an abbreviated supplement for updating information, and adequate data to show the biologic availability of the drug in the formulation which is marketed as described in paragraph (a) (1) (i), (ii), and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application, to include adequate data to assure the biologic availability of the drug in the formulation which is or is intended to be marketed, as described in paragraph (a) (3) (ii) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

A copy of the Academy's report has been furnished the firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE-200), 200 C Street SW., Washington, DC 20204.

Communications forwarded in response to this anouncement should be identified with the reference number DESI 12516, directed to the attention of the following appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 18, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-8341 Filed 6-14-71;8:46 am]

[DESI 7863]

TOPICAL ANESTHETICS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following topical anesthetic drugs:

1. Quotane Ointment, containing dimethisoquin hydrochloride; Smith Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, Pennsylvania 19101 (NDA 7-863).

2. Quotane Lotion, containing dimethisoquin hydrochloride; Smith Kline & French Laboratories (NDA 7-943).

3. Nescuta Ointment, containing pramoxine hydrochloride, diperodon hydrochloride; Philips Roxane Laboratories, Division of Philips Roxane, Inc., 330 Oak Street, Columbus, Ohio 43216 (NDA 11-824).

4. Creme Dyclone, containing dyclonine hydrochloride; The Dow Chemical Co., Post Office Box 1656, Indianapolis, Indiana 46206 (NDA 9-925).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that these drugs are possibly effective for their labeled indications for the relief of discomfort in minor skin and anogenital conditions.

B. *Marketing status.* Marketing of such drugs with labeling which recommends or suggests their use for indications for which they have been classified as possibly effective may be continued for 6 months as described in paragraphs (d), (e), and (f) of the notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273).

The above-named holders of the new drug applications for these drugs have been mailed a copy of the Academy's report. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE-200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 7863, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 18, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-8340 Filed 6-14-71;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-71-106]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE, REGION II (NEW YORK)

Designation

Margaret M. Myerson, Renewal Management Specialist, is hereby designated to serve as Acting Assistant Regional Administrator for Renewal Assistance, Region II (New York), during a vacancy in the position of Assistant Regional Administrator for Renewal Assistance, with all the powers, functions, and duties delegated or assigned to the Assistant Regional Administrator for Renewal Assistance.

(Delegation and redelegation of authority to take final action with respect to certain positions and employees effective as of May 4, 1969)

Effective date: March 29, 1971.

S. WILLIAM GREEN,
Regional Administrator, Region II.

[FR Doc.71-8395 Filed 6-14-71;8:51 am]

[Docket No. D-71-105]

ACTING REGIONAL ADMINISTRATOR, REGION X (SEATTLE)

Designation

The officials appointed to the following listed positions in Region X (Seattle) are hereby designated to serve as Acting Regional Administrator, Region X, during the absence of the Regional Administrator and the Deputy Regional Administrator, Region X, with all the powers, functions, and duties delegated or assigned to the Regional Administrator: *Provided,* That no official is authorized to serve as Acting Regional Administrator, Region X, unless all other officials whose title precede his in this designation are unable to act by reason of absence:

1. Assistant Regional Administrator for Administration, Joseph L. Perry.
2. Assistant Regional Administrator for Metropolitan Planning and Development, John R. Merrill.
3. Assistant Regional Administrator for Renewal and Housing Management, Robert C. Scalia.
4. Regional Counsel, Walter R. Rodgers.

This designation supersedes all previous designations.

(Delegation and redelegation of authority to take final action with respect to certain positions and employees effective as of May 4, 1969)

Effective date: April 22, 1971.

OSCAR PEDERSON,
Regional Administrator,
Region X (Seattle).

[FR Doc.71-8394 Filed 6-14-71;8:51 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23371]

ALLEGHENY-MOHAWK MERGER

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on July 14, 1971, at 10 a.m. e.d.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC before Examiner Merritt Ruhlen.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on June 4, 1971, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 9, 1971.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[FR Doc.71-8392 Filed 6-14-71;8:51 am]

[Dockets Nos. 21604, 21695]

ALOHA AIRLINES, INC., AND HAWAIIAN AIRLINES, INC.

Notice of Further Postponement of Hearing

Aloha Airlines, Inc. v. Hawaiian Airlines, Inc., Docket 21604; Hawaiian Airlines, Inc. v. Aloha Airlines, Inc., Docket 21695; enforcement proceeding.

Upon consideration of the request of Aloha Airlines, Inc., dated June 8, 1971, notice is hereby given that the hearing in the above-entitled matters is further postponed to be held on July 1, 1971, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned Examiner.

Dated at Washington, D.C., June 9, 1971.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[FR Doc.71-8391 Filed 6-14-71;8:51 am]

[Dockets Nos. 22973, 23067; Order 71-6-60]

EXECUTIVE AIRLINES, INC., ET AL.

Order Regarding New England Service Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of June 1971.

New England Service Investigation, Docket 22973; Application of Executive Airlines, Inc., for a certificate of public convenience and necessity authorizing air transportation pursuant to section 401 of the Federal Aviation Act of 1958, as amended, Docket 23067.

By order 70-12-164, the Board instituted the New England Service Investigation to consider various measures to improve air service to New England, including route realignment and the certification of replacement arrangements which had previously been authorized on a temporary basis.

Numerous pleadings have been filed in response to Order 70-12-164.[1] Upon consideration of these pleadings and the relevant facts, we have decided to modify the scope of the investigation in certain respects, for the purpose of affording the Board greater flexibility in fashioning a route pattern which will best meet the needs of New England.

With respect to the certification of replacement service, the investigation, as originally constituted, was limited to points involved in the replacement arrangements between Northeast, Mohawk, and air taxis, approved in Order 69-12-73, dated December 16, 1969. We have decided to broaden the scope of the proceeding to include other New England points at which the certificated carriers, Northeast and Mohawk, are not presently providing service.

Specifically, we will broaden the scope of the proceeding to include all Northern New England points, at which the incumbent certificated carriers have been authorized to suspend service or have never inaugurated service.[2] An air taxi operator, Executive, has expressed an interest in providing certificated air service at most of these points, and in view of the long-standing service difficulties in New England, we consider it appropriate to undertake, at this time, a full review of whether these New England communities require certificated service, and if so, whether this service should be provided by a certificated carrier operating on its own behalf, or by an air taxi replacement carrier, with the certificated carrier obligated to resume service if the replacement service terminates.

A total of 22 cities will be placed in issue. For 18 of the 22 cities we shall consider authorizing new certificated service to the hub cities of Boston, New York, and/or Albany, as set forth in the note below.[3] The issues with respect to the markets in issue will include (1) whether the authority of the incumbent certificated carrier should be deleted, suspended (including possible continuation of a substitute agreement), or transferred to another carrier; and (2) whether a new carrier should be certificated.

The foregoing petitions to intervene will be granted. It is found that the petitioners have a sufficient interest in the subject matter of this proceeding which may not be adequately represented by existing parties, and that the granting of the petitions will not unduly broaden the issues or delay the proceeding.

[1] Answer and Motion of Executive Airlines, Inc.; Answers to Executive's motion filed by eight parties (Greater Portland Chamber of Commerce; Union of Professional Airmen; city of Bangor and the Greater Bangor Area Chamber of Commerce; Winnipesaukee Aviation, Inc.; Burlington-Lake Champlain Chamber of Commerce; city of Worcester, Worcester Area Chamber of Commerce, and the Worcester Municipal Airport; State of New Hampshire; and Northeast Airlines, Inc.); and petitions to intervene filed by the city of Portland, Maine; New York State Department of Transportation; Air New England, Inc.; Burlington-Lake Champlain Chamber of Commerce; the New England Council for Economic Development; and Delta Air Lines, Inc.

[2] The only point in issue which a certificated carrier is currently serving is New Bedford, Mass., which is being included because of the extent of air taxi operations at that point.

[3] See the following table:

	Hub City
Maine:	
1. Bar Harbor	Boston.
2. Augusta	Boston.
3. Rockland	Boston.
4. Lewiston	Boston.
New Hampshire:	
5. Lebanon	Boston/New York.
6. Manchester	Boston/New York.
7. Keene	Albany/Boston/New York.
8. Laconia	Boston/New York.
9. Berlin	Boston/New York.

For the remaining four points, we shall consider whether the incumbent carrier should be deleted, but shall not consider any new certifications.[4]

Finally, Order 70-12-164 placed in issue the realignment of Northeast's segments in New England. We have decided to expand the proceeding to include the possible realignment of Mohawk's New England routes.[5]

We shall consolidate pending applications insofar as they conform to the amended scope of the proceeding.[6]

FOOTNOTE—Continued

Massachusetts:	
10. Worcester	Albany/Boston/New York.
11. Hyannis	Boston/New York.
12. Nantucket	Boston/New York.
13. Martha's Vineyard	Boston/New York.
14. New Bedford	Boston/New York.
Vermont:	
15. Burlington	Albany/Boston.
16. Rutland	Albany/New York.
17. Montpelier	Boston/New York.
18. Newport	Boston/New York.

We shall also consider service between the nonhub cities on flights serving a hub city. To assure that primary attention will be focused upon the provision of feeder service to Albany, Boston, and/or New York, we have decided to impose a pretrial two-stop restriction upon all flights operated between the hub cities.

[4] New London, Conn.; Brunswick, Maine; and Whitefield and Portsmouth, N.H. Consideration of new certification at New London is unnecessary because Allegheny and Pilgrim now provide ample service at this point. At the remaining three points, service has long been nonexistent (either suspended or not inaugurated) due to airport problems and we see no reasonable basis for considering new certifications at these points.

[5] Order 70-12-164 provided that proposed realignments would be submitted contemporaneously with the service plan discussed below. In view of our modification of the service plan required, we have decided to require the submission of proposed realignments within 60 days of the date of this order.

[6] Thus, Executive's application, Docket 23067, will be consolidated to the extent Executive seeks authority to operate at 17 of the 18 points in issue for new certification (Executive has not applied for authority to serve Rutland, Vt.). Executive's request to serve the three hub cities shall be considered only in the manner outlined in footnote 3, supra. For the reasons set forth below, we shall not consolidate Executive's application insofar as the carrier seeks authority to serve the following nine points: Portsmouth and Whitefield, N.H.; Portland, Brunswick, Bangor, and Presque Isle, Maine; Pittsfield, Mass.; and Springfield, Mass.-Hartford, Conn.; and New London, Conn. We shall also consolidate Mohawk's application in Docket 18133 for Burlington-Montreal authority subject to the condition that all flights serving Montreal must also serve Albany. (Mohawk now has such authority pursuant to an exemption granted in Order E-24859, Mar. 16, 1967.)

Order 70-12-164 had consolidated the applications of Mohawk and Northeast in Dockets 21331, 21332, and 21333, and these applications will continue in issue to the extent they seek authorizations or deletions in the markets placed in issue, or route realignments affecting these or other markets. Although Docket 21332 extends beyond New England, we believe it should be considered. This application contemplates, inter alia, deletion of Northeast's authority at Moncton, New Brunswick, which should be placed in issue since Northeast has been suspended at this point for some 23 years. Order E-4298, dated June 7, 1950.

[7] Opposition to inclusion of the route protection issue was expressed in the Answers of Northeast Airlines, Inc.; Winnipesaukee Aviation, Inc.; and the city of Bangor and the Greater Bangor Area Chamber of Commerce (hereinafter Bangor). Bangor also opposed consolidating Executive's application in Docket 23067. Filings in support of Executive's motion to consolidate were received from the Burlington-Lake Champlain Chamber of Commerce and the State of New Hampshire. In addition, the following parties' pleadings supported inclusion of the route protection issue: Burlington-Lake Champlain Chamber of Commerce and the Union of Professional Airmen. The City of Worcester, Worcester Area Chamber of Commerce and the Worcester Municipal Airport stated that they had no objection to consolidating Executives' application or including the route protection issue.

[8] See Orders 70-11-111, dated Nov. 23, 1970, and E-24829, dated Mar. 7, 1967.

[9] See footnote 6, supra.

[10] Hartford/Springfield, Portland, Bangor, and Presque Isle.

[11] Pittsfield.

Executive's Answer and Motion suggest, inter alia, that the following additional issues be included in the proceeding: (1) whether points in issue should be eligible for subsidy; and (2) whether recipients of new certification should be given "route protection"; i.e., whether air taxis should be excluded from newly certificated markets.[7]

In the interests of affording the Board the greatest possible flexibility, we have decided to consider these additional issues. However, we recognize that these issues raise difficult questions of policy, and our inclusion of these issues in the investigation should not be construed as an expression of our views on their merits.

We are not persuaded that we should include an additional issue proposed by Executive, viz, whether any air taxi awarded certificated authority in this proceeding should be authorized to continue operating as an air taxi under Part 298. Except in some relatively unusual circumstances,[8] the Board has ordinarily not permitted certificated air carriers to operate as air taxis. Inclusion of this issue in the present proceeding would complicate and delay resolution of New England's air service needs and, on the basis of the matters presented to us thus far, we are not persuaded that inclusion of the issue is warranted. However, we invite interested persons to comment further on this issue in petitions for reconsideration of this order.

We have also decided against placing in issue nine of the points proposed by Executive.[9] Some of these points are presently served by certificated carriers which have not sought to delete or suspend their authority.[10] Another point has never been certificated.[11] Finally, some of the nine points are being placed in issue in this proceeding for deletion only, for reasons set forth above.[12] We are not persuaded, at this time, that this proceeding should be expanded to include these points. However, we will entertain petitions for reconsideration of this issue.

We have also decided to modify the requirement imposed in the instituting order for submission of a service plan. This proceeding was instituted contemporaneously with the Board's approval of a merger between Northwest and Northeast and in conjunction therewith, Northwest was directed to submit, within 180 days after consummation of the merger, a plan for its service to the New England points served by Northeast. In view of the withdrawal of the Northeast-Northwest merger, this condition must be modified. The Bangor parties have suggested that the obligation to submit a service plan be placed on Northeast itself or on any future successor to Northeast's route system. Although we are basically in accord with the position taken by Bangor, we believe that it would be premature to impose, at this time, a service plan requirement on Delta, which has recently applied for approval of a merger with Northeast. However, we do intend to require submission of a service plan in the future—by Delta in the event that a Delta-Northeast merger is approved or by Northeast, in the event the merger is not approved. For similar reasons, we intend to require submission of a service plan by either Allegheny or Mohawk, depending upon the outcome of the Allegheny/Mohawk merger.

On a related matter, we believe it would be useful for Delta and Allegheny, which have filed applications with the Board for approval of mergers with Northeast and Mohawk, respectively, to advise the Board as to their intentions with respect to New England air service, in the event the proposed mergers are approved. While these matters are likely to be explored in the merger proceedings themselves, we consider it desirable to develop a full record on these questions in the present proceeding. In addition, if the pending mergers are approved, the acquiring carriers might be bound by the evidentiary record developed in the present case. For these reasons, we are granting Delta's petition to intervene and are inviting Allegheny to become a party to the proceeding.

Finally, we have determined that this proceeding might result in a major Federal action significantly affecting the quality of the human environment and are therefore invoking the procedures outlined in our policy statement implementing the National Environmental Policy Act of 1969 (14 CFR 399.110, 35 F.R. 10582). In accordance with 14 CFR 399.110(d), the Board encourages participation in this proceeding, in accordance with its rules of practice, by appropriate Federal, State, and local

[12] Whitefield, Brunswick, New London, and Portsmouth.

agencies and by other interested persons to the end of insuring that a complete record is developed which will permit full consideration of any possible environmental impact. All parties to this investigation are directed to proceed in conformity with the requirements of 14 CFR 399.110.

Accordingly, it is ordered, That:

1. Ordering paragraph 1 of Order 70–12–164, be and it hereby is amended to read as follows:

1. An investigation, to be designated as the New England Service Investigation, be and it hereby is instituted in Docket 22973, pursuant to sections 204(a), 401(g), 401(h), 401(j), and 404(a) of the Federal Aviation Act of 1958, as amended, to determine,

(a) Whether the public convenience and necessity require the alteration, amendment, or modification of Northeast Airlines, Inc.'s certificates of public convenience and necessity for routes 27 and 27–F to effect a realignment of (1) points north of New York-Newark on segments 1, 2, 3, 4, and 5 of route 27, and (2) route 27–F;

(b) Whether the public convenience and necessity require the alteration, amendment, or modification of Mohawk Airlines, Inc.'s certificates of public convenience and necessity for routes 72 and 94 to effect a realignment of (1) segments 3, 4, 5, 7, and 10 of route 94, and (2) route 72;

(c) Whether the public convenience and necessity require the suspension of service by, or the deletion, suspension, or transfer to other carriers of the existing authority of, Northeast Airlines, Inc., and Mohawk Airlines, Inc., in the following markets:

	Hub Cities
Maine:	
1. Bar Harbor	Boston.
2. Augusta	Boston.
3. Rockland	Boston.
4. Lewiston	Boston.
New Hampshire:	
5. Lebanon	Boston/New York.
6. Manchester	Boston/New York.
7. Keene	Albany/Boston/ New York.
8. Laconia	Boston/New York.
9. Berlin	Boston/New York.
Massachusetts:	
10. Worcester	Albany/Boston/ New York.
11. Hyannis	Boston/New York.
12. Nantucket	Boston/New York.
13. Martha's Vineyard	Boston/New York.
14. New Bedford	Boston/New York.
Vermont:	
15. Burlington	Albany/Boston.
16. Rutland	Albany/New York.
17. Montpelier	Boston/New York.
18. Newport	Boston/New York.

(d) Whether the public convenience and necessity require the authorization of additional air service in the markets set forth in paragraph 1(c): *Provided,* That (1) any new authority awarded in these markets shall be subject to a two-stop restriction between the hub cities set forth above; and (2) any route segment awarded in the proceeding (a) must include at least one hub point and one nonhub point, as set forth above; and (b) may include more than one nonhub and more than one hub point, so long as at least two nonhub points are included between any two hub points;

(e) Whether the exemption of air taxi operators under Part 298 of the Board's Economic Regulations should be amended to prohibit air taxis from operating in any markets set forth in 1(c) above in which new air service is authorized;

(f) Whether new air service which is authorized in this investigation should be subsidy-eligible or ineligible; and

(g) Whether the public convenience and necessity require the deletion of Northeast Airlines, Inc.'s authority at Brunswick, Maine; Whitefield and Portsmouth, N.H.; and New London, Conn.;

2. Northeast Airlines, Inc., and Mohawk Airlines, Inc., be and they hereby are directed to file, with appropriate applications, proposed realignments, if deemed necessary, of their New England route structures within 60 days of the issuance of this order;

3. Ordering paragraphs 2, 3, 4, and 5 of Order 70–12–164, be and they hereby are vacated;

4. The applications of Northeast Airlines, Inc., in Dockets 21331 and 21332, Mohawk Airlines, Inc., in Dockets 18133 and 21333, and Executive Airlines, Inc., in Docket 23067, be and they hereby are consolidated for hearing in the New England Service Investigation, to the extent they conform with the scope of the proceeding as set forth in ordering paragraph 1, supra;

5. The petitions for leave to intervene filed by or on behalf of the following listed persons, be and they hereby are granted: Delta Air Lines, Inc.; the city of Portland, Maine; New York State Department of Transportation; Air New England, Inc.; Burlington-Lake Champlain Chamber of Commerce; and the New England Council for Economic Development;

6. Motions to consolidate applications and petitions for reconsideration of this order may be filed no later than 20 days after service of this order and answers to such pleadings may be filed no later than 20 days thereafter;

7. This proceeding shall be conducted in accordance with the standards established in 14 CFR 399.110;

8. This order shall be served upon Airlift International, Inc.; American Airlines, Inc.; Braniff Airways, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; The Flying Tiger Line Inc.; National Airlines, Inc.; New York Airways, Inc.; North Central Airlines, Inc.; Northwest Airlines, Inc.; Ozark Air Lines, Inc.; Pan American World Airways, Inc.; Piedmont Aviation, Inc.; Seaboard World Airlines, Inc.; Southern Airways, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; the chief executive of each community mentioned in ordering paragraphs 1(c) and 1(g), supra, the Governors and the State commissioners having jurisdiction over air transportation of the following States: Connecticut, Maine, Massachusetts, New Hampshire, New York, and Vermont; the Environmental Protection Agency; and the Council on Environmental Quality; and

9. The applications set forth in paragraph 4, be and they hereby are dismissed to the extent not consolidated herein.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-8390 Filed 6-14-71;8:51 am]

ENVIRONMENTAL PROTECTION AGENCY

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1156) has been filed by the American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540, proposing the establishment of tolerances (21 CFR Part 420) for negligible residues of the insecticide *O,O,O',O'* - tetramethyl *O,O'* - thiodi-*p*-phenylene phosphorothioate and its sulfoxide metabolite *O,O,O',O'* - tetramethyl *O,O'* - sulfinyldi - *p* - phenylene phosphorothioate in or on the raw agricultural commodities citrus fruits and the meat, fat, and meat byproducts of cattle at 0.1 part per million; and in milk at 0.02 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a procedure in which the parent compound and its sulfoxide metabolite are separated by column chromatography followed by reduction of the sulfoxide to the parent compound by reaction with titanous chloride and gas chromatographic analysis of each fraction using a cesium bromide thermionic detector.

Dated: June 8, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-8336 Filed 6-14-71;8:46 am]

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability of Comments

The Council on Environmental Quality has issued "Guidelines for Statements on Proposed Federal Actions Affecting the Environment" (36 F.R. 7724, Apr. 23, 1971) to implement section 102(2)(C) of the National Environmental Policy Act (Public Law 91–190). The "Guidelines" direct the Environmental Protection Agency (EPA) to make available to the public comments rendered by EPA on those draft environmental impact statements filed with and reviewed by the Agency.

In accordance with the "Guidelines", the comments of the Environmental Protection Agency on the draft environmental impact statements listed below (all comments rendered since April 23, 1971) are available for public review at Environmental Protection Agency, Office of Public Affairs, 1626 K Street NW., Room 710, Washington, DC 20460.

Agency requesting EPA comments	Title of draft environmental impact statement	EPA Logistics No.
National Science Foundation	National Hail Research Experiment	2
Do	Winter Orographic Cloud Modification Experiment	3
Atomic Energy Commission	Radioactive Waste Repository, Lyons, Kans	11
U.S. Coast Guard, DOT	Bridge Permit Application, Southern Crossing, San Francisco Bay.	14
Forest Service, Department of Agriculture	Use of Zectran Pesticide	23
Atomic Energy Commission	Midland Power Plant Units 1 and 2, Midland, Mich	28
Department of State	Rainy River International Pipeline, International Falls, Minn.	29-1

Dated: June 10, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-8361 Filed 6-14-71;8:48 am]

FEDERAL MARITIME COMMISSION

BOARD OF TRUSTEES OF GALVESTON WHARVES AND LYKES BROS. STEAMSHIP CO., INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

Mr. C. S. Devoy, Port Director and General Manager, Galveston Wharves, 802 Rosenberg, Post Office Box 328, Galveston, TX 77550.

Agreements Nos. T-2520, T-2521, and T-2522, between the Board of Trustees of the Galveston Wharves (Galveston) and Lykes Bros. Steamship Company, Inc. (Lykes), provide for berthing arrangements for Lykes' Seabee ships and barges at Galveston, Tex.

Agreement No. T-2520 is a 10-year lease which provides for first call on berth privileges for Lykes' Seabee ships at Galveston. As compensation, Lykes will pay Galveston an annual minimum rental dockage of $30,000.

Agreement No. T-2521 is a 3-year lease providing for first call on berth privileges for Lykes' Seabee barges at a covered barge loading, unloading, and interchange terminal. As compensation, Lykes will pay Galveston an annual minimum gross revenue guarantee of $70,000.

Agreement No. T-2522 is a 3-year lease providing for first call on berth privileges for Lykes' Seabee barges at a barge marshaling yard at Pelican Island. As compensation, Lykes will pay Galveston a guaranteed minimum rental of $87.50 per day.

Use of the berths and premises covered by the agreements will be subject to Galveston's published tariffs, except that the provisions of the agreements shall control whenever they are in conflict with the provisions of the Tariff.

Dated: June 10, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-8373 Filed 6-14-71;8:49 am]

CARIBBEAN TRAILER EXPRESS, LTD., AND FEEDERSHIPS, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

A. Montalvo, Traffic Manager, Shipcraft Agency, Inc., 42 Broadway, Suite 2101, New York, N.Y. 10004.

Agreement No. 9951, between Caribbean Trailer Express, Ltd., and Feederships, Inc., covers a through billing arrangement on cargo from U.S. Atlantic and gulf ports to ports in the Bahamas, Colombia, East Coast of Central America, British, French and Netherlands Guiana, Haiti, Leeward, and Windward Islands, Netherlands Antilles, Panama, Surinam, Trinidad, and Venezuela, with transshipment at ports in Jamaica (Kingston, Montego Bay, and Port Kaiser), under terms and conditions set forth in the agreement.

Dated: June 10, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-8374 Filed 6-14-71;8:49 am]

CARIBBEAN TRAILER EXPRESS, LTD., AND FEEDERSHIPS, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

A. Montalvo, Traffic Manager, Shipcraft Agency, Inc., 42 Broadway, Suite 2101, New York, N.Y. 10004.

Agreement No. 9952, between Caribbean Trailer Express, Ltd., and Feedership, Inc., covers a through billing arrangement on cargo from U.S. Atlantic and gulf ports to ports in the Bahamas, Colombia, East Coast of Central America, British, French and Netherlands Guiana, Haiti, Leeward and Windward Islands, Netherlands Antilles, Panama, Surinam, Trinidad, and Venezuela, with transshipment at ports in the Dominican Republic (Azua, Barahona, Boca Chica, La Romana, Manzanillo, Puerto Plata, Rio Haina, Sanchez, San Pedro De Macoris, and Santo Domingo), under terms and conditions set forth in the agreement.

Dated: June 10, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-8375 Filed 6-14-71;8:49 am]

FEEDERSHIPS, INC., AND CARIBBEAN TRAILER EXPRESS, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

A. Montalvo, Traffic Manager, Shipcraft Agency, Inc., 42 Broadway, Suite 2101, New York, N.Y. 10004.

Agreement No. 9954, between Feedership, Inc., and Caribbean Trailer Express, Ltd., covers a through billing arrangement on cargo from the Bahamas, Colombia, East Coast of Central America, British, French and Netherlands Guiana, Haiti, Leeward and Windward Islands, Netherlands Antilles, Panama, Surinam, Trinidad, and Venezuela to U.S. Atlantic and gulf ports, with transshipment at ports in the Dominican Republic (Azua, Barahona, Boca Chica, La Romana, Manzanillo, Puerto Plata, Rio Haina, Sanchez, San Pedro De Marcoris, and Santo Domingo), under terms and conditions set forth in the agreement.

Dated: June 10, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-8376 Filed 6-14-71;8:49 am]

FEEDERSHIPS, INC., AND CARIBBEAN TRAILER EXPRESS, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

A. Montalvo, Traffic Manager, Shipcraft Agency, Inc., 42 Broadway, Suite 2101, New York, N.Y. 10004.

Agreement No. 9953, between Feedership, Inc., and Caribbean Trailer Express, Ltd., covers a through billing arrangement on cargo from ports in the Bahamas, Colombia, East Coast of Central America, British, French and Netherlands Guiana, Haiti, Leeward and Windward Islands, Netherlands Antilles, Panama, Surinam, Trinidad, and Venezuela to U.S. Atlantic and gulf ports, with transshipment at ports in Jamaica (Kingston, Montego Bay, and Port Kaiser), under terms and conditions set forth in the agreement.

Dated: June 10, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 71-8377 Filed 6-14-71;8:49 am]

GREECE/UNITED STATES ATLANTIC RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

P. J. Warmstein, Secretary, Greece/United States Atlantic Rate Agreement, c/o American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y. 10004.

Agreement No. 9238–5 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7 as revised on October 27, 1970.

Dated: June 10, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 71–8381 Filed 6–14–71;8:50 am]

LINEA AMAZONICA S.A. AND BOOTH-LAMPORT JOINT SERVICE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should be indicate this has been done.

Notice of agreement filed by:

Mr. A. Heston, Dovar Shipping Agency, Inc., 21 West Street, New York, N.Y. 10005.

Agreement No. 9769–1, amends the basic agreement between Linea Amazonica S.A., and The Booth Steamship Co., Ltd., and Lamport & Holt Line, Ltd., parties to the Booth-Lamport Joint Service which provides for the spacing of sailings and the establishment of rates by the parties in the trade between U.S. Atlantic and Gulf ports and the ports of the Leeward & Windward Islands, Barbados, Trinidad, Guyanas, and Brazilian and River Amazon, by enlarging Article 1 to add the trade from Amazon River ports to San Juan, Puerto Rico.

Dated: June 10, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–8378 Filed 6–14–71;8:49 am]

TURKEY/UNITED STATES ATLANTIC RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

P. J. Warmstein, Secretary, Turkey/United States Atlantic Rate Agreement, c/o American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y. 10004.

Agreement No. 9239–5 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7 as revised on October 27, 1970.

Dated: June 10, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–8379 Filed 6–14–71;8:49 am]

MOVERS' & WAREHOUSEMEN'S ASSOCIATION OF AMERICA, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Carroll P. Genovese, Executive Secretary, Movers' & Warehousemen's Association of America, Inc., Suite 1101, Warner Building, Washington, DC 20004.

Agreement No. 8540–C, between the members of the Movers' & Warehousemen's Association of America, Inc., modifies the basic agreement, as amended, which provides for the establishment and maintenance of agreed rates, charges, and practices for and in connection with the transportation of household goods and effects between U.S. ports and ports of Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands. The purpose of the modification is to comply with the provisions of the Commission's General Order 7 (Revised), which provides for self-policing systems, mandatory provisions thereof, and the requirement for the filing of minutes of meetings between members of the approved agreements. All other provisions of the agreement, as amended, remain unchanged.

Dated: June 10, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–8380 Filed 6–14–71;8:50 am]

[Independent Ocean Freight Forwarder License No. 284]

INGE & CO., INC.

Order of Revocation

On May 14, 1971, the Commission received notification from Alfred Schech-

ter, President, Inge & Co., Inc., 42 Broadway, New York, NY 10004, advising that he wished to discontinue the operation of Inge & Co., Inc., immediately.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated September 29, 1970).

It is ordered, That the Independent Ocean Freight Forwarder License of Inge & Co., Inc., be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License No. 284 of Inge & Co., Inc., be and is hereby revoked effective May 14, 1971, without prejudice to reapplication for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Inge & Co., Inc.

AARON W. REESE,
Managing Director.

[FR Doc.71-8382 Filed 6-14-71;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. RI71-1081 etc.]

RUTH PHILLIPS BISIKER ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JUNE 4, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-1081	Ruth Phillips Bisiker	4	9	Transcontinental Gas Pipe Line Corp., (La Gloria Area, Jim Wells and Brooks Counties, Tex., RR. District No. 4).	$3,622	5-10-71		11-10-71	[1] 11.03921	[4] 21.35347	
					26,280				[2] 12.03921		
									[3] [4] 13.03921		
RI71-1082	Grampian Co., Ltd	4	10	do	1,136	5-10-71		11-10-71	[1] 11.03921	[4] 21.35347	
					8,652				[2] 12.03921		
									[3] [4] 13.03921		
RI71-1083	Getty Oil Co	13	[6] 22	Tennessee Gas Pipeline Co. (East Bay City Field, Matagorda County, Tex., RR. District No. 3).		5-7-71	6-7-71	[6] Accepted			RI64-721.
	do		23	do	422,911	5-7-71		11-7-71	15.0385	25.0	RI64-721.
RI71-1084	Amoco Production Co. et al.	83	27	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (East Bay City Field, Matagorda County, Tex., RR. District No. 3).	151,840	5-7-71		11-7-71	21.0	[4] 25.0	RI71-639.
RI71-1085	Continental Oil Co. et al.	102	[4] 21	Transcontinental Gas Pipe Line Corp. (Harris Field, Live Oak County, Tex., RR. District No. 2).	10,000	5-12-71		11-12-71	10.00	[7] 21.00	RI71-708.

*Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] For gas not requiring compression or which is compressed by buyer.
[2] For gas presently compressed by buyer if seller elects to take over operation and maintenance of compressor facilities of buyer.
[3] For gas requiring compression if seller elects to install and operate own compressor facilities.
[4] Subject to a 0.21931 cents per Mcf dehydration deduction.
[5] Unilateral increase after expiration of contract term.
[6] Agreement dated Mar. 22, 1971, which replaces expired July 15, 1949, contract and provides, among other things, for the renegotiated rate herein.
[7] Increase to contract rate.
[8] Includes documents required by Opinion No. 567. Increase applies only to gas from the Upper Slick & Wilcox (Luling) Reservoirs.
[9] Accepted to become effective on the date shown in the "Effective Date" column. The acceptance of the agreement filed by Getty Oil Co. is subject to the conditions prescribed elsewhere in this order.

The agreement filed by Getty Oil Co. in addition to providing for its proposed increased rate also provides for future escalations to any higher area ceiling or settlement rate prescribed by the Commission. The provisions relating to the area rate do not conform with § 154.93(b-1) of the Commission's regulations. Consistent with Commission action taken on similar filings not in conformity with § 154.93(b-1), the agreements are accepted for filing upon expiration of statutory notice with the condition that the provisions relating to the area rate will only apply upon the Commission's approval of a just and reasonable rate, or settlement rate, in an applicable area rate proceeding, for gas of comparable quality and vintage.

The proposed increased rates involved here relate to sales in the Texas gulf coast area. They were filed after the issuance of Opinion No. 595 on May 6, 1971, where the Commission determined the just and reasonable rates for sales in the Texas gulf coast area. The proposed rates exceed the applicable area base rates determined in that opinion. In these circumstances we shall suspend the proposed rates for 5 months. Such action, in effect, will result ultimately in the rejection of these filings unless Opinion No. 595 is stayed, inasmuch as the section 5(a) determinations in that opinion are effective as of August 1, 1971.

[FR Doc.71-8233 Filed 6-14-71;8:45 am]

[Docket No. CS71-700 etc.]

ROBERT I. WILLIAMS ET AL.

Notice of Applications for "Small Producer" Certificates [1]

JUNE 4, 1971.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 28, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

Docket No.	Date filed	Name of applicant
CS71-700...	5- 3-71	Robert I. Williams, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-701...	5- 3-71	H. B. Lively, Operator et al., 2100 First City National Bank Bldg., Houston, Tex. 77002.
CS71-702...	5- 3-71	First City National Bank of Houston and Alfred C. Glassell, Jr., Trustees for 2100 First City National Bank Bldg., Houston, Tex. 77002.
CS71-703...	5- 3-71	J. Earle Lawless, 1912 The 600 Bldg., Corpus Christi, Tex. 78401.
CS71-704...	5- 3-71	Beren Corp., 1776 Lincln St., Suite 601, Denver CO 80203.
CS71-705...	5- 3-71	Cleveland Davis, Post Office Box 458, Angleton, TX 77515.
CS71-706...	5- 3-71	Cleveland Davis, Jr., Trustee of the Cleveland Davis, Jr. Trust, Post Office Box 458, Angleton, TX 77515.
CS71-707...	5- 3-71	Robert Mosbacher et al., 21st Floor Capital National Bank Bldg., Houston, Tex. 77002.
CS71-708...	5- 3-71	Alfred C. Glassell, Jr., 2100 First City National Bank Bldg., Houston, Tex. 77002.
CS71-709...	5- 3-71	Norman A. Bock, 2100 First City National Bank Bldg., Houston, Tex. 77002.
CS71-710...	5- 3-71	Julian Evans, 2100 First City National Bank Bldg., Houston, Tex. 77002.
CS71-711...	5- 3-71	Gene M. Woodfin, Trustee, 2100 First City National Bank Bldg., Houston, Tex. 77002.
CS71-712...	5- 3-71	Cecil F. Heidelberg, Jr., 630 First National Bank Bldg., Jackson, Miss. 39205.
CS71-713...	5- 3-71	Stewart Varn, d.b.a. Varn Petroleum Co., 1022 Union Center Bldg., Wichita, Kans. 67202.
CS71-714...	5- 3-71	Edwin G. Bradley, 1022 Union Center Bldg., Wichita, Kans. 67202.
CS71-715...	5- 3-71	Arnold Petroleum, Inc., 6493 North Grand Blvd., Oklahoma City, OK 73116.
CS71-716...	5- 3-71	The Monhegan Co., 803 First National Bldg., Oklahoma City, Okla. 73102.
CS71-717...	5- 3-71	N. B. Marye, 1400 Bank of the Southwest, Houston, Tex. 77002.
CS71-718...	5- 3-71	Milton McGreevy, Room 100, 912 Baltimore Ave., Kansas City, MO 64105.
CS71-719...	5- 3-71	San Salvador Corp., c/o Powers Operating Co., 1816 Vaughn Plaza, Corpus Christi, TX 78401.
CS71-720...	5- 3-71	Gato Oil, Inc., c/o Powers Operating Co., 1816 Vaughn Plaza, Corpus Christi, TX 78401.
CS71-721...	5- 3-71	Great Western Drilling Co., Post Office Box 1659, Midland, TX 79701.
CS71-722...	5- 3-71	A. E. Amerman, Jr., 830 Bankers Mortgage Bldg., Houston, Tex. 77002.
CS71-723...	5- 3-71	D. C. Latimer, Post Office Box 3133, West Jackson, MS 39217.
CS71-724...	5- 3-71	E. Lyle Johnson, 620 North Broadway, Moore, OK 73060.
CS71-725...	5- 3-71	M. F. McCain, 730 Lane Bldg., Shreveport, La. 71101.
CS71-726...	5- 3-71	Don D. Montgomery, 1305 First National Bldg., Oklahoma City, OK 73102.
CS71-727...	5- 3-71	Pelto Oil Co., 2850 Bank of New Orleans Bldg., 1010 Common St., New Orleans, LA 70112.
CS71-728...	5- 3-71 5- 6-71	Hurt Oil & Gas Corp., 2100 First City National Bank Bldg., Houston, Tex. 77002.
CS71-729...	5- 3-71	GeoDynamics Oil & Gas, Inc., 1818 Guaranty Bank Plaza, Corpus Christi, TX 78401.
CS71-730...	5- 3-71	Jenkintown Program, 1818 Guaranty Bank Plaza, Corpus Christi, TX 78401.
CS71-731...	5- 3-71	Safco Special Program, 1818 Guaranty Bank Plaza, Corpus Christi, TX 78401.
CS71-732...	5- 3-71	Special Maebel 1970 Drilling Venture, 1818 Guaranty Bank Plaza, Corpus Christi, TX 78401.
CS71-733...	5- 3-71	Geo/Sea Resources—1970, 1818 Guaranty Bank Plaza, Corpus Christi, TX 78401.
CS71-734...	5- 3-71	Special Lio 1970 Drilling Venture, 1818 Guaranty Bank Plaza, Corpus Christi, TX 78401.
CS71-735...	5- 3-71	Special Geo Resources 1970 Drilling Venture III, 1818 Guaranty Bank Plaza, Corpus Christi, TX 78401.
CS71-736...	5- 3-71	Pioneer Resources 1970 Drilling Venture, 1818 Guaranty Bank Plaza, Corpus Christi, TX 78401.
CS71-737...	5- 3-71	Special Geo Resources 1970 Drilling Venture I, 1818 Guaranty Bank Plaza, Corpus Christi, TX 78401.
CS71-738...	5- 3-71	Harling Co., 1818 Guaranty Bank Plaza, Corpus Christi, TX 78401.
CS71-739...	5- 3-71	Pyramid Associates, 1818 Guaranty Bank Plaza, Corpus Christi, TX 78401.
CS71-740...	5- 3-71	Western Growth Resources, 1970, Series B, 1818 Guaranty Bank Plaza, Corpus Christi, TX 78401.
CS71-741...	5- 3-71	Cameron, Stewart Special Program, 1818 Guaranty Bank Plaza, Corpus Christi, TX 78401.
CS71-742...	5- 3-71	McMullen Program, Phase II, 1818 Guaranty Bank Plaza, Corpus Christi, TX 78401.
CS71-743...	5- 3-71	Special Geo Resources 1970 Drilling Venture II, 1818 Guaranty Bank Plaza, Corpus Christi, TX 78401.
CS71-744...	5- 3-71	Joe Barnhart, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-745...	5- 3-71	Antoinette Tilly Arnold, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-746...	5- 3-71	Margaret Cullen Marshall, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-747...	5- 3-71	Wilhelmina Ann Barnhart, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-748...	5- 3-71	Russell Scott III, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-749...	5- 3-71	Isaac Arnold, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-750...	5- 3-71	Agnes Louise Scott, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-751...	5- 3-71	Mary Hugh Scott, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-752...	5- 3-71	The Mary Disey Trusts Nos. 1, 2, 3, and 4, 420 Lincoln Center, Ardmore, OK 73401.
CS71-753...	5- 3-71	Sea Properties, Ltd., 420 Lincoln Center, Ardmore, OK 73401.
CS71-754...	5- 3-71	Crooked Hole, Inc., 420 Lincoln Center, Ardmore, OK 73401.
CS71-755...	5- 3-71	Sam Noble, 420 Lincoln Center, Ardmore, OK 73401.
CS71-756...	5- 3-71	Scoggins Petroleum Corp., 1002 Guaranty Bank Plaza, Corpus Christi, TX 78401.
CS71-757...	5- 3-71	Intramerican Drilling Fund 1970 Program, 1002 Guaranty Bank Plaza, Corpus Christi, TX 78401.
CS71-758...	5- 3-71	Mrs. Marilynn Watkins Bancum, 913 Erie, Shreveport, LA 71106.
CS71-759...	5- 3-71	Fair Operating Account (successor to Ralph E. Fair et al.), 715 Alamo National Bldg., San Antonio, TX 78205.
CS71-760...	5- 3-71	Ralph E. Fair, Inc., et al., 715 Alamo National Bldg., San Antonio, Tex. 78205.
CS71-761...	5- 3-71	Alison Suzanne Robertson, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-762...	5- 3-71	Corbin J. Robertson, Jr., 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-763...	4-26-71	Mahoney Drilling Co., Suite 430, 200 West Douglas, Wichita, KS 67202.
CS71-764...	4-26-71	T. W. Mahoney, Suite 430, 200 West Douglas, Wichita, KS 67202.
CS71-765...	4-26 71	F. W. Mallonee, Suite 430, 200 West Douglas, Wichita, KS 67202.
CS71-766...	5- 3-71	Wilhelmina Cullen Robertson, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-767...	5- 3-71	Cornelia Cullen Long, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-768...	5- 3-71	Roy H. Cullen, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-769...	5- 3-71	Harry H. Cullen, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-770...	5- 3-71	Katherine Cullen Burton, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-771...	5- 3-71	Douglas B. Marshall, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-772...	5- 3-71	Elizabeth Robertson Geiselman, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-773...	5- 3-71	Lillie Therese Robertson, 500 Jefferson Bldg., Housto, Tex. 77002.

Docket No.	Date filed	Name of applicant
CS71-774...	5- 3-71	Carroll Christine Robertson, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-775...	5- 3-71	Corbin J. Robertson, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-776...	5- 3-71	Enrico Portanova, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-777...	5- 3-71	Ugo Portanova, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-778...	5- 3-71	Wilhelmina Anne Barnhart, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-779...	5- 3-71	Hugh Roy Marshall, 500 Jefferson Bldg., Houston, Tex. 77002.
CS71-780...	5- 3-71	C. H. Lyons, Jr., 1500 Beck Bldg., Shreveport, La. 71101.
CS71-781...	5- 3-71	R. L. Nauman, 1500 Beck Bldg., Shreveport, La. 71101.
CS71-782...	5- 4-71	A. A. Kemnitz, Box 729, Hobbs, NM 88240.
CS71-783...	5- 4-71	The Anschutz Corp., Inc., 1110 Denver Club Bldg., Denver, Colo. 80202.
CS71-784...	5- 4-71	Warren V. Kness, Trustee, 3210 One Shell Plaza, Houston, TX 77002.
CS71-785...	5- 4-71	Herbert L. Dillon, Jr., 3210 One Shell Plaza, Houston, TX 77002.
CS71-786...	5- 4-71	Lloyd H. Smith et al., 3210 One Shell Plaza, Houston, TX 77002.
CS71-787...	5- 4-71	W. R. Persons, 3210 One Shell Plaza, Houston, TX 77002.
CS71-788...	5- 4-71	Arthur E. Jones, 3210 One Shell Plaza, Houston, TX 77002.
CS71-789...	5- 4-71	Estate of R. A. Irwin; Deceased, 3210 One Shell Plaza, Houston, TX 77002.
CS71-790...	5- 4-71	Jack London, Jr. and Bilinda Petroleum Corp., 6403 Northwest Grand Blvd., Oklahoma City, OK 73116
CS71-791...	5- 4-71	John T. Minges, Room 307, 100 Southwest Main St., Rocky Mount, NC 27801.
CS71-792...	5- 3-71	Northeast Blanco Development Corp. (Operator) et al., Jacquelyn M. Williams, 2020 First National Bldg., Oklahoma City, OK 73102.
CS71-793...	5- 3-71	Everett J. Carlson, Operator, 304 Milam Bldg., San Antonio, Tex. 78205.
CS71-794...	5- 3-71	Cico Oil & Gas Co., 1822 Bank of the Southwest Bldg., Houston, Tex. 77002.
CS71-795...	5- 3-71	Harper Oil Co., 300 Hightower Bldg., Oklahoma City, Okla. 73102.
CS71-796...	5- 3-71	Harvey Broyles et al., Post Office Box 1511, Shreveport, LA 71102.
CS71-797...	5- 3-71	Vernon F. Neuhaus, Mission, Tex. 78572.
CS71-798...	5- 3-71	Basic Minerals Corp., 1912 The 600 Bldg., Corpus Christi, Tex. 78401.
CS71-799...	5- 3-71	Beverly Oil, Inc., 1912 The 600 Bldg., Corpus Christi, Tex. 78401.

[FR Doc.71-8231 Filed 6-14-71;8:45 am]

FEDERAL RESERVE SYSTEM

BANKS OF IOWA, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Banks of Iowa, Inc., which is a bank holding company located in Cedar Rapids, Iowa, for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of Union Bank and Trust Co., Ottumwa, Iowa.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

By order of the Board of Governors, June 9, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-8362 Filed 6-14-71;8:48 am]

CITIZENS AND SOUTHERN NATIONAL BANK AND CITIZENS AND SOUTHERN HOLDING CO.

Order for Recommended Decision of Hearing Examiner

In the matter of the applications of the Citizens and Southern National Bank and the Citizens and Southern Holding Co., Savannah, Ga., for a determination under section 4(c)(8) of the Bank Holding Company Act of 1956 relating to the planned activities of their nonbanking subsidiary, the Citizens & Southern Credit Service Corp. (Docket No. BHC-99).

On November 20, 1969, pursuant to an order of the Board of Governors, a hearing was held in the captioned matter before a hearing examiner selected by the Civil Service Commission pursuant to section 3344 of title 5 of the United States Code. The record made at said hearing has been duly filed with the Board.

Inasmuch as section 4(c)(8) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(8)) was substantially amended on December 31, 1970, by the passage of the Bank Holding Company Act Amendments of 1970, and section 4(c)(8), as amended, is controlling with respect to the issues to be determined in this matter, on April 29, 1971, the Board issued a Notice of Opportunity for Hearing in this matter pursuant to section 4(c)(8), as amended. No request for hearing has been received and the time for filing any such request has elapsed.

Because the Hearing Examiner before whom the record was made has become unavailable, the Civil Service Commission has appointed Philip J. LaMacchia (whose address is U.S. Civil Service Commission, 1900 E Street NW., Washington, DC) as the Hearing Examiner herein, pursuant to section 3344 of title 5 of the United States Code. Therefore,

It is hereby ordered, That this matter be and hereby is referred to Hearing Examiner LaMacchia for his recommended decision pursuant to section 4(c)(8), as amended. In accordance with the Board's Rules of Practice for Formal Hearings (12 CFR 263), applicants are hereby given an opportunity to file with the Examiner within 15 days of receipt of this order proposed findings and conclusions and supporting briefs.

By order of the Board of Governors, June 9, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-8372 Filed 6-14-71;8:49 am]

COMMERCE BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Commerce Bancshares, Inc., which is a bank holding company located in Kansas City, Mo., for prior approval by the Board of Governors of the acquisition by applicant of more than 80 percent of the voting shares of Fenton Bank, Fenton, Mo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial

resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

By order of the Board of Governors, June 9, 1971.

[SEAL] KENNETH A. KENYON.
Deputy Secretary.

[FR Doc.71-8363 Filed 6-14-71;8:48 am]

HUNTINGTON BANCSHARES INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3 (a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a) (3)), by Huntington Bancshares Inc., which is a bank holding company located in Columbus, Ohio, for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of The Woodville State Bank, Woodville, Ohio.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Cleveland.

By order of the Board of Governors, June 9, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-8338 Filed 6-14-71;8:46 am]

UNITED BANK CORPORATION OF NEW YORK

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) (1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a) (1)), by United Bank Corporation of New York, Albany, N.Y., for prior approval by the Board of Governors of action whereby Applicant would become a bank holding company through the acquisition of 100 percent of the voting shares of State Bank of Albany, Albany, N.Y., and 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Liberty National Bank and Trust Co., Buffalo, N.Y.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of New York.

By order of the Board of Governors, June 9, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-8339 Filed 6-14-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5035]

AMERICAN ELECTRIC POWER CO., INC.

Notice of Filing and Order for Hearing Regarding Proposed Issue and Sale of Debentures by Registered Holding Company at Competitive Bidding

JUNE 9, 1971.

Notice is hereby given that American Electric Power Co., Inc. (AEP), 2 Broadway, New York, NY 10004, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

AEP proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $100 million principal amount of its _____ percent debentures due 1986. The interest rate of the debentures (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to AEP (which will be not less than 99 percent nor more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding. The debentures will be subordinated to AEP's 3⅛ percent sinking fund debentures due 1977 (of which $5,979,000 were outstanding as of March 31, 1971) and will be nonrefundable through the issuance of lower-cost debt or preferred stock for 5 years.

The AEP system includes seven electric utility subsidiary companies, three of which are responsible for the major component of the system's construction program, which for 1971 and 1972 is estimated at $1 billion. AEP anticipates making capital contributions to its subsidiary companies in 1971 of $130 million, which represent the common equity element of the financing of the construction program. AEP has filed a declaration seeking authorization to issue and sell short-term debt during the period June 30, 1971, to June 30, 1973, in an aggregate amount not to exceed $150 million outstanding at any one time (File No. 70-5029). In addition to the short-term debt, AEP proposes to issue and sell $100 million of debentures, proposed herein, and approximately $100 million of common stock in the last quarter of 1971 or the first quarter of 1972. The proceeds from the sale of the debentures, together with other funds, will be used to pay maturing short-term debt, for working capital, and for other corporate purposes.

It appearing to the Commission that it is appropriate in the public interest

and in the interest of investors and consumers that a public hearing be held with respect to the proposed transaction; that interested persons be afforded an opportunity to be heard at such hearing with respect to the proposed transaction; and that the declaration should not be permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing be held on June 28, 1971, at the office of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, DC 20549. On such date, the hearing room clerk will advise as to the room in which the hearing will be held.

It is further ordered, That a Hearing Examiner, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the declaration and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the proposed issue and sale of debentures by AEP meets the standards of section 7 of the Act, and particularly the requirements of sections 7(c)(2) and 1(d).

(2) Whether the fees, commissions, and other expenses to be incurred are for necessary services and reasonable in amount.

(3) Whether the accounting entries to be made in connection with the proposed transactions are proper and in accord with sound accounting principles.

(4) What terms or conditions, if any, the Commission's order should contain.

(5) Generally, whether the proposed transactions are in all respects compatible with the provisions and standards of the applicable sections of the Act and of the rules promulgated thereunder.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any person, other than declarant, desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before June 25, 1971, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to AEP, The Public Service Commission of Indiana, The Public Service Commission of Kentucky, The Michigan Public Service Commission, The Public Utilities Commission of Ohio, The Tennessee Public Service Commission, The State Corporation Commission of Virginia, The Public Service Commission of West Virginia, and The Federal Power Commission and that notice to all other interested persons shall be given by a general release of the Commission and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-8347 Filed 6-14-71;8:47 am]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JUNE 9, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 10, 1971, through June 19, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-8348 Filed 6-14-71;8:47 am]

[811-980]

LEXINGTON CORPORATE LEADERS FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JUNE 9, 1971.

Notice is hereby given that Lexington Corporate Leaders Fund, Inc., (Applicant), 177 North Dean Street, Englewood, NJ, a Delaware corporation registered as a management open-end, diversified investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant states that on January 26, 1971, its board of directors determined it to be in the best interests of Applicant's shareholders to liquidate Applicant's portfolio and retain its assets entirely in cash. Such action was taken because Applicant's expenses as a percentage of its net asset value had been rising significantly due to the small and decreasing size of Applicant's net assets. All of Applicant's assets were converted to cash in the aggregate amount of $800,873, on January 27, 1971, and the offering of Applicant's shares to the public was discontinued. On that date there were 178 persons holding outstanding shares of the Applicant. Applicant's shareholders were notified of the Board's action by letter dated February 10, 1971. Applicant further states that as of May 13, 1971, there were only 28 shareholders remaining and Applicant's aggregate net asset value was $123,404.

Applicant represents that it is not presently making and does not presently propose to make any public offering of its securities and that following deregistration it is intended to dissolve Applicant pursuant to Delaware law and to distribute the remaining net assets to remaining shareholders.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may not later than June 30, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in

the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES, *Associate Secretary.*

[FR Doc.71-8349 Filed 6-14-71;8:47 am]

[245F-3621]

LOV'N LEATHER, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 8, 1971.

I. Lov'n Leather, Inc. (Issuer), 1169 Cushman Street, San Diego, CA 92110, was incorporated in Nevada on June 8, 1970. It has been engaged principally in retailing boots, shoes and accessories for both men and women with an authorized capitalization of 75,000 shares of $1 par value common stock. On June 22, 1970, Lov'n Leather, Inc., filed a notification and offering circular with the San Francisco Regional Office pursuant to Regulation A for an offering of 5,000 shares of common stock for $1 per share.

Authorization to commence the offering was granted on October 13, 1970. The Issuer in its Form 2-A report filed on October 28, 1970, reported that the offering was completed on October 21, 1970.

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading with respect to the following:

1. The notification and offering circular fail to name John L. Stone, Jack Glatfelter, Albert Tuey, and Walter Kenrick, who purchased the entire 5,000 shares being offered, as underwriters of the offering.

2. The notification fails to name the States in which the offering is intended to be made.

3. The notification and offering circular fail to mention the issuer's intent to increase the number of shares outstanding as a result of a 500 for 1 stock split.

4. The notification and offering circular were never amended to disclose the extension of the offer, the price at which the shares were to be offered, the aggregate public offering price, the method of distribution, or the underwriter's compensation.

B. The terms and conditions of Regulation A have not been complied with in that: (1) The company failed to state the method by which the shares were to be offered and, (2) the report on Form 2-A is false and misleading with respect to the completion date of the offering, the true offering price to the public, and the proceeds accruing to the underwriters.

C. The offering was and is being made in violation of section 17(a) of the Securities Act of 1933, as amended, for the reasons described above.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a), subparagraph 1 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the Issuer file answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] THEODORE L. HUMES, *Associate Secretary.*

[FR Doc.71-8350 Filed 6-14-71;8:47 am]

[812-2805]

MINNESOTA SMALL BUSINESS INVESTMENT CO.

Notice of Filing of Application for Order Exempting and Permitting Proposed Transactions

JUNE 9, 1971.

Notice is hereby given that Minnesota Small Business Investment Co. (MSBIC), 2338 Central Avenue Northeast, Minneapolis, MN, a Minnesota corporation, registered as a closed-end, nondiversified, management investment company under the Investment Company Act of 1940 (Act) and licensed as a small business investment company under the Small Business Investment Act of 1958, has filed an application pursuant to section 17(b) of the Act to exempt from section 17(a) of the Act the sale by a proposed subsidiary corporation (Subsidiary) of $200,000 in convertible debenture bonds through private placement to certain affiliated persons of MSBIC, and for an order under Rule 17d-1 of the Act authorizing such transactions. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Background. On April 19, 1968, MSBIC purchased a $250,000 5-year, 8 percent debenture bond of Educational Consultants, Inc. (ECI), a Minnesota corporation. ECI never operated profitably. To raise working capital, the president of ECI transferred to ECI his interest in a Minneapolis office building known as the Nicollet Mall Building (Building). It was intended that the Building be sold and the proceeds applied first to short-term obligations against the Building and the balance used as working capital for ECI. ECI was unable to dispose of the Building.

By April 1969, the condition of ECI was such that in MSBIC's judgment ECI's survival was in doubt. MSBIC wrote off its loan to ECI and, in an attempt to salvage its investment, purchased the Building for a price of approximately $1,394,000. Under the terms of the purchase agreement, $70,000 was to be a cash payment; $250,000 was to be paid by MSBIC surrendering for cancellation ECI's debenture bond in that amount; $363,000 was to be paid by MSBIC's assumption of the balance on the underlying contract for deed in said amount; and MSBIC was to assume various mortgages for the remainder of the purchase price. The closing was held April 23, 1969. The Small Business Administration (SBA) notified MSBIC that in the opinion of the SBA the purchase of the Building by MSBIC constituted an "overline" investment, an improper concentration of investment in real estate. The SBA informed MSBIC that it may not invest any further money into refurbishing the Building to attract new tenants. At present rentals and occupancy (80 percent) the Building has a negative annual cash flow of 80 to 100 thousand dollars. According to the application, the Building was appraised four times between January 1969, and early 1970, ranging between $950,000 and $1,600,000.

After several months of negotiations the SBA gave conditional approval to a proposal by MSBIC to form a wholly-owned subsidiary corporation into which it would transfer the Building in exchange for stock. Under the proposed plan, the Subsidiary will raise working capital through the sale by private placement to insiders of MSBIC of $200,000 in convertible debenture bonds. The interest rate on these bonds will be

8 percent. Fully converted, the bondholders would own approximately two-sevenths of the then outstanding stock of the Subsidiary.

The application further states that on November 30, 1970, the equity of MSBIC in the Building was approximately $467,000. An insertion of $200,000 into the building would not affect the equity of MSBIC if the $200,000 remains as debt. Furthermore, the equity of MSBIC would increase from $467,000 to $476,000 if the bonds should be converted since MSBIC would own five-sevenths of $667,000, the value of the Subsidiary. The application states that to be absolutely equal, the equity of MSBIC in the Building, if it gives up two-sevenths for $200,000, should be $500,000. Inasmuch as its equity in the Building as of November 30, 1970, is slightly less than $500,000, the proposed transaction is slightly weighted in favor of MSBIC in the event of conversion.

According to the application, the effects of the proposed plan would be to peg MSBIC's investment in the Building at present levels, to eliminate the contingent and assumed liabilities of the Building from MSBIC's financial statements, to generate sufficient money with which to carry the Building over the next several years if rentals remain at present levels and to provide funds necessary for alterations and remodeling of vacant space. The directors of MSBIC, who collectively account for ownership of approximately 70 percent of MSBIC's outstanding stock are of the opinion that, in view of the tight money market, the bonds must be sold to affiliated persons. The affiliated persons most likely to purchase all or a significant portion of the bonds would be Fidelity Securities and Investment Co., which controls MSBIC through ownership of more than 50 percent of MSBIC's outstanding stock; and Robert Resnick, who is the second largest shareholder.

Commission jurisdiction. Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from purchasing any security or other property from such registered investment company or from any company controlled by such registered company. The proposed sale by MSBIC's Subsidiary of its debentures to affiliated persons of MSBIC would, therefore, be prohibited under section 17(a). The Commission, upon application pursuant to section 17(b), may grant an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, as here pertinent, that it shall be unlawful for an affiliated person of a registered investment company, acting as principal, to participate in, or to effect any transactions in connection with any joint enterprise or other joint arrangement in which such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by the Commission. The proposed sale of convertible debentures by the Subsidiary to certain affiliated persons, as previously described, requires the granting of an application under Rule 17d-1. In passing upon such application, the Commission must consider whether the participation of the registered company or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Supporting statements. MSBIC contends that the Building cannot now be sold at a price near its true value. In addition, the management of MSBIC is of the opinion that since the Building is operating at a loss, the only basis upon which MSBIC can salvage its investment is to infuse sufficient money into renovation of the Building to attract new tenants. MSBIC also alleges that the proposed sale of debentures to affiliated persons is fair to the shareholders of MSBIC for the reasons that: (a) In the event of default by the Subsidiary, the relationship of the affiliated persons to MSBIC is such that any action detrimental to MSBIC or its Subsidiary would be tempered; (b) such affiliated persons would be more lenient creditors than outsiders; (c) these same affiliated persons would be logical sources of additional financing, if such should ever become necessary.

The proposed transactions will be submitted to shareholders of MSBIC for approval at a special meeting called for that purpose. The SBA has required the proxy material and any other information submitted to the shareholders in connection with these transactions to be filed with it.

Notice is further given that any interested person may, not later than June 29, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon MSBIC at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-8351 Filed 6-14-71;8:47 am]

[812-2928]

PRINCIPAL CERTIFICATE SERIES, INC.

Notice of Filing of Application for Order Approving Amendment to Depository Agreement of Face-Amount Certificate Company

JUNE 7, 1971.

Notice is hereby given that Principal Certificate Series, Inc. (Principal), 1120 Fourth Avenue, Seattle, WA 98101, a registered face-amount certificate company, has filed an application pursuant to section 28(c) of the Investment Company Act of 1940 (Act) for an order approving a depository agreement, as amended (Third Amended Agreement), between Principal and Bankers Trust Co. (Bank), wherein Principal undertakes to deposit and maintain with Bank qualified investments and reserves as required by section 28 of the Act with respect to its series of certificates mentioned below.

By order dated June 8, 1960, the Commission approved a depository agreement dated as of June 15, 1960, between Principal and Bank pursuant to section 28(c) of the Act, which agreement provided for the deposit and maintenance by Principal with Bank of qualified investments and reserves as required by section 28 with respect to its Series 6, 10, 15, 20, and Single Payment Certificates in accordance with terms specified in said agreement. Similarly, by order dated October 21, 1961, the Commission approved a depository agreement, as amended (Amended Agreement) which agreement extended the provisions of the original agreement to the following additional series of certificates which Principal thereafter began issuing: Short-Term Single Payment Certificates Series A-3, A-5, A-7, and A-10; and by order dated April 25, 1963, the Commission approved a Depository Agreement, as amended (Second Amended Agreement) which agreement extended the provisions of the original agreement to the additional Single Payment Certificate Series B which Principal thereafter began issuing. The Third Amended Agreement, approval of which is now sought by Principal, extends the provisions of the agreement as so amended to two additional series of certificates, Series 15A and 22A, which Principal contemplates issuing.

The Third Amended Agreement, as does the original as amended to date, provides, among other things, that Principal shall at all times deposit and maintain with the Bank qualified assets having an aggregate value at least equal to its minimum certificate reserve requirements, which shall be held separate and segregated and that Principal may withdraw assets on deposit for the purpose of retiring certificates, or for any purpose if the remaining assets on deposit will equal the minimum reserve requirements. Assets representing minimum reserves for certificates sold within certain States which States require that such reserves be held by a depository or depositories within such States may, for the above minimum reserve requirements, be deducted in computing assets of Principal to be held by the Bank.

Section 28(c) provides, among other things, that the Commission shall by rule, regulation, or order, in the public interest or for the protection of investors, require a registered face-amount certificate company to deposit and maintain, upon such terms and conditions as the Commission shall prescribe, and as are appropriate for the protection of investors, with one or more institutions having the qualifications required by section 26 (a) (1) of the Act for a trustee of a unit investment trust, all or any part of the investments maintained by such company as certificate reserve requirements under the provisions of section 28(b) of the Act.

Notice is further given that any interested party may, not later than June 21, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, and order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-8352 Filed 6-14-71;8:47 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 7-A-1.1]

ASSISTANT DIRECTOR, OFFICE OF ADMINISTRATIVE SERVICES, ET AL.

Delegation of Administrative Activities

I. Pursuant to the authority delegated by the Deputy Assistant Administrator for Administration (Management) to the Director, Office of Administrative Services, in Delegation of Authority No. 7-A-1 (36 F.R. 11063), the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Assistant Director, Office of Administrative Services.* 1. To contract for supplies, materials and equipment, printing, transportation, communications, space, and special services for the Agency.

2. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410 dated March 26, 1962 (27 F.R. 3017), from the Administrator of the General Services Administration to the heads of executive agencies.

3. To issue Government bills of lading, printing and binding orders, purchase orders, work orders, telephone orders, and tax exemption certificates.

4. To rent temporarily, within the District of Columbia or elsewhere, such hotel or other accommodations as are needed to facilitate the conduct of meetings of SBA advisory councils.

B. *Chief, Procurement and Supply Division.* 1. To contract for supplies, materials and equipment, printing, and special services.

2. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410 dated March 26, 1962 (27 F.R. 3017), from the Administrator of the General Services Administration to the heads of Executive Agencies.

3. To issue Government bills of lading, printing and binding orders, purchase orders, and tax exemption certificates.

C. *Assistant Chief, Procurement and Supply Division.* 1. To issue Government bills of lading, printing and binding orders, purchase orders, and tax exemption certificates as they relate to Delegation of Authority No. 410 dated March 26, 1962 (27 F.R. 3017), from the Administrator of the General Services Administration to the heads of Executive Agencies.

D. *Warehouse Foreman, Procurement and Supply Division.* 1. To issue Government bills of lading.

E. *Chief, Office Services Division.* 1. To issue work orders, telephone orders, and authorize and approve repairs to machinery and equipment.

II. The specific authorities delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as acting in that position.

Effective date: February 23, 1971.

N. J. BILLINGSLEY,
Director,
Office of Administrative Services.

[FR Doc.71-8365 Filed 6-14-71;8:48 am]

TARIFF COMMISSION

[TEA-F-24]

SEYMOUR SHOES, INC.

Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

Investigation instituted. Upon petition under section 301(a)(2) of the Trade Expansion Act of 1962, filed by Seymour Shoes, Inc., Haverhill, Mass., the U.S. Tariff Commission, on June 10, 1971, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with the women's dress shoes of the kind produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

Inspection of petition. The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City Office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: June 10, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-8383 Filed 6-14-71;8:50 am]

INTERSTATE COMMERCE COMMISSION

MISLETOE EXPRESS ET AL.

Assignment of Hearings

JUNE 10, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but

interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 42405 Sub 29, Misletoe Express Service doing business as Misletoe Express, now assigned July 26, 1971, in the Holiday Inn-Downtown, 301 North 11th Street, Fort Smith, AR.

MC–125650 Sub 7, Mountain Pacific Trucking Corp., assigned July 7, 1971, at Billings, Mont., will be held in Room 246, U.S. Post Office Buildings, First Avenue North and 26th Street, instead of U.S. District Courtroom.

MC 64832 Sub 3, Magnolia Truck Lines, Inc., MC 135027, Overnight Express, assigned for continued hearing June 22, 1971, in the Sun'N Sand Motel, Jackson, Miss.

MC–C–7122, Hopper Truck Lines v. Western Gillette, Inc., et al., assigned July 21, 1971, at Phoenix, Ariz., in Room 1010 Federal Building, 230 North First Avenue.

MC–123048 Sub 185, Diamond Transportation System, Inc., assigned July 12, 1971, at Chicago, Ill., in Room 1630, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 107295 Sub 377, Pre-Fab Transit, Co., now assigned June 24, 1971, at Columbus, Ohio. canceled and application dismissed.

MC 125102 Sub 11, Leonard DeLue, Ettalla Partnership, doing business as Armored Motors Service, now assigned September 13, 1971, at Washington, D.C. at the Offices of the Interestate Commerce Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–8384 Filed 6–14–71;8:50 am]

[Notice 310]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 9, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30837 (Sub-No 437 TA), filed May 5, 1971. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Post Office Box 160, Kenosha, WI 53140. Applicant's representative: Albert B. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Folding tent campers*, designed to be drawn by passenger automobiles, in truckaway service, from Santa Rosa, Calif., to points in Washington, Oregon, Nevada, Arizona, Idaho, and Utah, for 150 days. Supporting shippers: Nimrod/El Dorado Industries, Inc., 500 Ford Boulevard, Hamilton, OH 45011 (Thomas James, Manager, Marketing Services). Send protests to: District Supervisor, Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 52303.

No. MC 45134 (Sub-No. 9 TA), filed May 31, 1971. Applicant: COLLINS TRUCK LINE, INC., 3705 Marshall Street NE., Minneapolis, MN 55421. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer*, dry, in bulk, from Pine Bend, Minn., to points in North Dakota, for 150 days. Supporting shipper: Farmers Union Central Exchange, St. Paul, Minn. Send protests to: District Supervisor E. C. Sjogren, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55104.

No. MC 51143 (Sub-No. 4 TA), filed May 26, 1971. Applicant: B & B TRANSPORTATION, INC., 37 Ryder Avenue, Cranston, RI 02920. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, RI 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Augusta, Maine, to Waterville, Maine, and *empty malt beverage containers*, from Waterville, Maine, to Augusta, Maine, for 180 days. NOTE: Applicant does intend to tack the authority in MC–51143 at Augusta, Maine. Supporting shipper: Waterville Distributors Inc., Allen Street and Eastern Avenue, Waterville, ME. Send protests to: Gerald H. Curry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 187 Westminster Street, Providence, RI 02903.

No. MC 52861 (Sub-No. 24 TA), filed June 1, 1971. Applicant: WILLS TRUCKING, INC., 2535 Center Street, Cleveland, OH 44113. Applicant's representative: Keith F. Henley, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in West Virginia to points in Cuyahoga, Lake, and Ashtabula Counties, Ohio, for 180 days. Supporting shipper: Valley Camp Coal Co., 700 Westgate Tower, Cleveland, Ohio. Send protests to: District Supervisor Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 95376 (Sub-No. 3 TA), filed May 31, 1971. Applicant: MCVEY TRUCKING, INC., Rural Route No. 1, Oakwood, IL 61858. Applicant's representatives: Foreman, Meachum, and Clapper, 704–710 Baum Building, Danville, IL 61832. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Vermillion County, Ind., to points in Vermillion and Champaign Counties, Ill., for 150 days. Supporting shipper: River Coal Co., Inc., Post Office Box 711, Dana, IL. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 102567 (Sub-No. 144 TA), filed May 31, 1971. Applicant: EARL GIBBON TRANSPORT, INC., 4295 Meadow Lane, Post Office Drawer 5357, Bossier City, LA 71010. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Plaquemine, La., to points in Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, and Texas, for 180 days. Supporting shipper: Georgia-Pacific Corp., Post Office Box 629, Plaquemine, LA 70764, Mr. Roger M. Feig, Traffic Supervisor. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room T–4009, Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 103993 (Sub-No. 638 TA), filed May 31, 1971. Applicant: MORGAN DRIVEWAY, INC., 2800 Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements; and (2) *buildings*, in sections, on undercarriages, from Rocky Mount, N.C., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Woodchuck Enterprises, Rocky Mount, N.C. 27801. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 111401 (Sub-No. 337 TA) (Correction), filed May 26, 1971, published FEDERAL REGISTER issue of June 5, 1971, and corrected and republished in part as corrected this issue. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representative: Victor R. Comstock (same address as above). NOTE: The purpose of this partial republication is to show Georgia as a destination State in lieu

of Louisiana, which was erroneously shown in previous publication. The rest of the application remains the same.

No. MC 114989 (Sub-No. 12 TA), filed May 31, 1971. Applicant: KENTUCKY WESTERN TRUCK LINES, INC., Post Office Box 623, 1910 South Walnut Street, Hopkinsville, KY 42240. Applicant's representative: Richard D. Gleaves, 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk cartons*, from Sikeston, Mo., to Madisonville, Ky., for 180 days. Supporting shipper: Wm. M. Corum, Vice President, Goldenrod Dairy Foods, 234 North Scott Street, Madisonville, KY 42431. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202.

No. MC 116073 (Sub-No. 174 TA), filed May 31, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, Post Office Box 919, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, in sections, from Ringtown, Pa., to points in Maine, New Hampshire, Virginia, Connecticut, Massachusetts, New York, New Jersey, Delaware, Maryland, Vermont, West Virginia, and Rhode Island, for 180 days. Supporting shippers: Broadmore Homes of Pennsylvania, Inc., 100 Fleetwood Drive, Post Office Box 300, Ringtown, PA 17967; Barrington Homes of Pennsylvania, Inc., 100 Fleetwood Drive, Post Office Box 300, Ringtown, PA 17967. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 116982 (Sub-No. 9 TA), filed May 31, 1971. Applicant: FUCHS, INC., 306 Water Street, Sauk City, WI 53583. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building and housing units*, complete, knocked down or in sections, and *component parts, thereof;* (2) *materials, equipment, and supplies* used in the manufacture, sale, distribution, erection, and completion of the items named in part 1; (3) *wood products;* (4) *composition wood products;* (5) *laminated products;* (6) *parts and accessories for products named in items 3, 4, and 5;* (7) *return shipments* of the items named in parts 1 through 6; (1) between Moberly, Mo., on the one hand, and, on the other, points in New York, West Virginia, Alabama, Arkansas, Minnesota, South Dakota, Nebraska, Iowa, Missouri, Kansas, Kentucky, Illinois, Wisconsin, Michigan, Ohio, Pennsylvania, Tennessee, Indiana, Oklahoma, North Dakota, Texas, Louisiana, Mississippi, and Georgia; (2) between Mazomanie, Wis., on the one hand, and, on the other, points in New York, West Virginia, Alabama, Arkansas, Nebraska, Kansas, Kentucky, Ohio, Pennsylvania, Texas, Tennessee, Oklahoma, Louisiana, Mississippi, and Georgia; and (3) between Moberly, Mo., and Mazomanie, Wis., said operations are limited to a transportation service to be performed, under a continuing contract or contracts, with Wick Building Systems, Inc. Supporting shipper: Wick Building Systems, Inc., Box 108, Mazomanie, WI 53560. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 119774 (Sub-No. 26 TA), filed May 28, 1971. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS (INEX MANKINS EXECUTRIX) and JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, 301 Main Street, Third Floor, Kilgore, TX 75662. Applicant's representative: James E. Mankins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Houston, Tex., to Shreveport, La., for 180 days. Supporting shipper: AMF Beaird, Inc., Post Office Box 1115, Shreveport, LA 71102. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 126537 (Sub-No. 27 TA), filed May 26, 1971. Applicant: KENT I. TURNER, KENNETH E. TURNER, ERVIN L. TURNER, a partnership, doing business as TURNER EXPEDITING SERVICE, Post Office Box 21333, Standiford Field, Louisville, KY 40221. Applicant's representative: George M. Catlett, Suite 703–706, McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, restricted to shipments having a prior or subsequent movement by air; (1) between Tri-Cities Airport, Sullivan County, Tenn., and places in Roanoke and Tazewell Counties, Va.; and (2) from points in Tazewell County, Va., to Newark Airport, Newark, N.J., for 180 days. NOTE: Applicant states tacking is proposed with its presently held authority under MC 126537 (Sub-No. 5) and MC 126537 (Sub-No. 18). Supporting shippers: Mr. G. T. Abston, Traffic Manager, General Instruments Corp., Capacitor Division, Walnut Street, Tazewell, VA 24651; Mr. Harold D. Widner, Warehouse Manager and Traffic Manager, Eastern Isles, Inc., Richlands, Tazewell County, Va.; Mr. Harry E. Dixon, Harry E. Dixon, Transportation Management Service, 3104 Brambleton Avenue SW., Roanoke, VA 24002. Send protests to: Mr. Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202.

No. MC 128879 (Sub-No. 17 TA), filed May 31, 1971. Applicant: C–B TRUCK LINES, INC., 400 South Hull, Post Office Box 1774, Clovis, NM 88101. Applicant's representative: Jerry R. Murphy, 708 LaVeta Drive NE., Albuquerque, NM 87108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment; (1) between Clovis, N. Mex., and Amarillo, Tex.; (2) between Clovis, N. Mex., and Lubbock, Tex.; (3) between Lovington, N. Mex., and Lubbock, Tex.; (4) between Lovington, N. Mex., and Amarillo, Tex., serving no intermediate points on any route, and restricted against service between Amarillo and Lubbock, Tex.; (a) from Clovis, N. Mex., over U.S. Highway 60 and 84 to Farwell, Tex., thence U.S. Highway 60 to Canyon, Tex., thence U.S. Highway 87 and Interstate Highway 27 to Amarillo, Tex., and return over the same route; (b) from Clovis, N. Mex., over U.S. Highway 84 and 60 to Farwell, Tex., thence U.S. Highway 84 to Lubbock, Tex., and return over the same route; (c) from Lovington, N. Mex., over U.S. Highway 82 to Plains, Tex., thence over U.S. Highway 82 and 380 to Brownfield, Tex., thence over U.S. Highway 62 and 82 to Lubbock, Tex., and return over the same route; (d) from Lovington, N. Mex., over U.S. Highway 82 to Plains, Tex., thence over U.S. Highway 82 and 380 to Brownfield, Tex., thence over U.S. Highway 62 and 82 to Lubbock, Tex., thence over U.S. Highway 87 and Interstate 27 to Amarillo, Tex., and return over the same route, for 180 days. NOTE: Applicant intends to tack the requested authority to authority presently held by it in its Sub-No. 10TA, at Clovis, N. Mex., and Lovington, N. Mex. Applicant proposes to interline with all carriers desiring to do so at El Paso, Tex., Lovington, N. Mex., Clovis, N. Mex., Amarillo, Tex., and Lubbock, Tex., including C.B. Motor Freight Co. at Lovington, N. Mex. Supporting shippers: There are approximately 135 statements of support attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10515 Federal Building and U.S. Courthouse, 500 Gold Avenue SW., Albuquerque, NM 87101.

No. MC 133794 (Sub-No. 2 TA), filed May 28, 1971. Applicant: CONVERTERS TRANSPORTATION, INC., Box No. 351, Garnerville Holding Terminal, Garnerville, NY 10923. Applicant's representative: William Traub, 10 East 40th

Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Piece goods*, between the facilities of Hull Dye & Print Works, Inc., West Haven, Conn., on the one hand, and, on the other, points in Rockland and Westchester Counties, N.Y., New York, N.Y., and Bergen, Essex, Hudson, Passaic, Union, and Middlesec Counties, N.J.; and (2) *materials and supplies* used in the dyeing or finishing of piece goods, from the aforementioned points and places in New York and New Jersey to the plant of Hull Dye Works, Inc., Derby, Conn., for 180 days. Supporting shipper: Hull Dye & Print Works, Inc., Derby, Conn. 06418. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, NY 10007.

No. MC 133816 (Sub-No. 2 TA), filed May 28, 1971. Applicant: KENNETH L. PARKS AND KEITH O. PARKS, a partnership, doing business as K & K WHOLESALE CO., Post Office Box 222, Lowell, OR 97452. Applicant's representative: Howard E. Speer, 835 East Park Street, Eugene, OR 97401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, from points in Clark County, Nev., to points in Washington, for 180 days. NOTE: This temporary authority will be tacked on to the existing authority of the carrier, MC 133816 Sub 1, which authorizes the carrier to haul lime from Clark County, Nev., to points in Oregon. Supporting shipper: The Flintkote Co., U.S. Lime Division, 1120 21st Street, Milwaukie, OR 97222. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, OR 97204.

No. MC 135582 (Sub-No. TA), filed May 31, 1971. Applicant: JAMES BOND TRUCKING COMPANY, INC., 12 East Hidalgo Street, Phoenix, AR 85040. Applicant's representative: Earl Carroll, 363 North First Avenue, Phoenix, AR 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete aggregate*, from Wahweap Creek, located approximately 3 miles northeast of Glen Canyon City, Utah, to site of Navajo Generating Station located adjacent to Page, Ariz., over unnumbered county roads and U.S. Highway 89, between Glen Canyon City, Utah, and Page, Ariz., under a contract with Salt River Project, for 180 days. Supporting shipper: Salt River Project, Project Manager for the Navajo Generating Station, Post Office Box 1980, Phoenix, AR 85001. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427, Federal Building, 230 North First Avenue, Phoenix, AR 85025.

No. MC 135641 (Sub-No. 1 TA filed May 31, 1971. Applicant: M. B. AND B. G. CUTHBERTSON, a partnership, doing business as, M. B. CUTHBERTSON & SON, Rural Route 2, Box 37, Toledo, IA 52342. Applicant's representative Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel bin grain storage systems*, from Peoria and Marengo, Ill., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Frigidome Corp., 2335 West Altorfer Drive, Peoria, IL 61614. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Fourth and Perry Streets, Davenport, IA 52801.

No. MC 135645 TA, filed May 28, 1971. Applicant: C. A. WHEAT AND ANNA J. WHEAT, a partnership, doing business as PLAINS OIL COMPANY, Post Office Box 10, Laramie, WY 82070. Applicant's representative: T. Stockton, The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages*, from Salt Lake City, Utah, and Denver, Colo., to points in Wyoming, for 180 days. Supporting shippers: Coca-Cola Bottling Co. of Casper, 637 West Yellowstone, Post Office Box 875, Casper, WY 82601; Coca-Cola Bottling Co. of Laramie, Inc., Post Office Box 1287, Laramie, WY 82070. Send protests to: District Supervisor, Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations, 1006 Federal Building and Post Office, 100 East B Street, Casper, WY 82601.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-8385 Filed 6-14-71;8:50 am]

[Notice 311]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 10, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 9325 (Sub-No. 54 TA) (Correction), filed May 20, 1971, published FEDERAL REGISTER issue June 6, 1971, and corrected and republished in part as corrected this issue. Applicant: K LINES, INC., 341 Foothills Road, Lake Oswego, OR 97304. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, OR. NOTE: The purpose of this partial republication is to include Idaho as a destination State, which was inadvertently omitted in previous publication. The rest of the notice remains as previously published.

No. MC 32882 (Sub-No. 59 TA), filed May 30, 1971. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Boulevard, Post Office Box 17039, Portland, OR 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, 806 Southwest Broadway, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite and storage facilities of Potlatch Forest Industries, Inc., at Lewiston, Idaho, to points in Spokane County, Wash., ports of entry on the United States and Canada in the States of Washington and Idaho, and points in Oregon and Washington on and west of U.S. Highway 97, for 180 days. Supporting shipper: Potlatch Forests, Inc., Lewiston, Idaho 83501. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 18088 (Sub-No. 53 TA), filed May 30, 1971. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., Post Office Drawer 8, Office: Industrial Parkway, Sycamore, AL 35149. Applicant's representative: Erris H. Barnett (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tire cord yarn*, on beams, in beams rack equipped trailers, between plantsite and warehouse of Monsanto Co., Gonzalez and Pensacola, Fla., on the one hand, and, on the other, plantsite and warehouse of Firestone Tire & Rubber Co., Bowling Green, Ky., or near Bowling Green, Ky., and *empty beams*, on return, for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166, Attention: Richard E. Bailey, Division Transportation Manager. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, AL 35203.

No. MC 72442 (Sub-No. 33 TA) (Correction), filed May 3, 1971, published FEDERAL REGISTER issue May 15, 1971, and

corrected and republished in part as corrected this issue. Applicant: AKERS MOTOR LINES, INC., Post Office Box 579, Gastonia, NC 28052. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. NOTE: The purpose of this partial republication is to clarify a portion of the restriction relative to service at authorized points in Georgia which reads: "traffic moving to, from, *or through* * * * (a), (b), and (c)". This should read: "traffic moving from or to * * *." The rest of the publication remains the same.

No. MC 95876 (Sub-No. 111 TA) (Correction), filed May 18, 1971, published, FEDERAL REGISTER issue June 6, 1971, and republished in part as corrected this issue. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, Post Office Box 844, St. Cloud, MN 56301. Applicant's representative: Richard A. Rennie (same address as above). NOTE: The purpose of this partial republication is to reflect *Iowa* in lieu of Louisiana as a destination State in (1) and (2) which was shown erroneously in previous publication. The rest of the application remains the same.

No. MC 107295 (Sub-No. 523 TA), filed May 31, 1971. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials and materials used in the installation and application of such commodities* (except iron and steel and commodities in bulk), from the plantsite and warehouse facilities of Certain-Teed Products Corp. at Chicago Heights, Ill., to points in Wisconsin, for 180 days. Supporting shipper: Edward J. Finn, Traffic Manager, Certain-Teed Products Corp., Shelter Materials Group, Valley Forge, Pa. 19481. Sent protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 107295 (Sub-No. 524 TA), filed May 30, 1971. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefinished and unfinished plywood panels*, from North Stratford, N.H., and Charlestown, Mass., to points in Alabama, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Wisconsin, for 180 days. Supporting shipper: Kenneth Hull, President, Allied Wood Products Corp., North Stratford, N.H. 03590. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 325 West Adams Street, Room 476, Springfield, Ill. 62704.

No. MC 107515 (Sub-No. 756 TA), filed June 1, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, GA 30050. Applicant's representative: K. Edward Wolcott, Suite 1600, First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsites and warehouses of the Pillsbury Corp. in Terre Haute, Ind., to Thomasville, Cairo, West Albany, Alma, Quitman, Nashville, Adel, Brunswick, and Waycross, Ga.; Lakeland, Miami, Adgewood, Tampa, Jacksonville, Hialeah, Taft, Mericamp, St. Petersburg, and Tallahassee, Fla., for 180 days. Supporting shipper: The Pillsbury Co., 608 Second Avenue South, Minneapolis, MN 55402. Sent protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 110525 (Sub-No. 1004 TA), filed May 30, 1971. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from the plantsite and/or storage facilities of Georgia-Pacific Corp., at or near Plaquemine, La., to points in Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, and Texas, for 180 days. Supporting shipper: Georgia-Pacific Corp., Post Office Box 629, Plaquemine, LA 70764. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 113362 (Sub-No. 214 TA), filed June 1, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, Post Office Box 562, Austin, MN 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Kansas Meat Packers located at Holton, Kans., to points in Illinois, Pennsylvania, West Virginia, Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Ohio, Maine, and the District of Columbia, for 150 days. Supporting shipper: Kansas Meat Packers, Post Office Box 327, Holton, KS 66436. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 114312 (Sub-No. 22 TA), filed June 3, 1971. Applicant: ABBOTT TRUCKING, INC., Route 3, Box 74, Delta, OH 43515. Applicant's representative: Harvey A. Rosenzweig, Columbus Center, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from Marseilles, Ill., to points in the Lower Peninsula of Michigan, for 180 days. Supporting shipper: Farm Bureau Services, Inc., 7373 West Saginaw Highway, Lansing, MI. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 114533 (Sub-No. 229 TA), filed May 31, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Processed and unprocessed film, prints, slides, audio and video tapes, including motion picture film, vision motion pictures*, (B) *audit media and other business records* and (C) *graphic arts material*, having a prior or subsequent movement by air, between Seattle-Tacoma International Airport in King County, Wash., on the one hand, and, on the other, Bellingham, Wash., for 150 days. Supporting shipper: KVOS Television Corp., 1151 Ellis Street, Bellingham, WA 98225. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 115331 (Sub-No. 311 TA), filed June 3, 1971. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Burnt shale*, in bulk, from Brooklyn, Ind., to points in St. Louis, Mo., and to points in St. Louis, Jefferson, Franklin, and St. Charles Counties, Mo., for 180 days. Supporting shipper: Hydraulic Press Brick Co., 705 Olive Street, St. Louis, MO 63101. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 116063 (Sub-No. 124 TA), filed June 3, 1971. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, 76106, Post Office Box 270, Forth Worth, TX 76101. Applicant's representative: W. H. Cole (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Sodium bromide solution,* in bulk, in tank vehicles, from Kansas City, Kans., to El Dorado, Ark., for 180 days. Supporting Shipper: The Proctor & Gamble Co., Post Office Box 599, Cincinnati, OH 45201. Send protests to: H. C. Morrison, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 9A27 Federal Building, 819 Taylor Street, Forth Worth, TX 76102.

No. MC 117344 (Sub-No. 214 TA) (Amendment), filed May 12, 1971, published FEDERAL REGISTER issue of May 27, 1971, amended and republished in part as amended this issue. Applicant: THE MAXWELL CO., 10380 Evandale Drive, Post Office Box 15010, Cincinnati, OH 45215. Applicant's representative: John G. Spencer (same address as above). NOTE: The purpose of this partial republication is to include Colorado, Maine, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, and the District of Columbia as destination States, which were inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 117465 (Sub-No. 16 TA), filed June 2, 1971. Applicant: BEAVER EXPRESS SERVICE, INC., doing business as BEAVER EXPRESS, Post Office Box 151, 1215 Kansas, Woodward, OK 73108. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives), moving in express service: Route 1, between Amarillo, Tex., and Portalis, N. Mex., from Amarillo, Tex., over U.S. Highway 66 (and/or I40) to Tucumcari, N. Mex., thence over New Mexico Highway 18, to its junction with New Mexico Highway 88 to Portales, and return over the same route, serving all intermediate points. Route 2, between Portales, N. Mex., and Amarillo, Tex., from Portales, N. Mex., over U.S. Highway 70 to its junction U.S. 70 at Clovis, thence over U.S. Highway 60 to Amarillo, Tex., and return over the same route, serving all intermediate points. Route 3, between Dalhart, Tex., and Clayton, N. Mex., from Dalhart over U.S. Highway 87 to Clayton, N. Mex., and return over the same route, serving all intermediate points. Route 4, between Boise City, Okla., and Clayton, N. Mex., from Boise City, Okla., over U.S. 64 to Clayton, N. Mex., and return as an alternate route for operating convenience only, for 180 days. NOTE: Applicant states it will tack at Amarillo and Dalhart; interline Morgan Express, MC–120080 at Amarillo. Supporting shippers: There are approximately 29 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1012 Herring Plaza, 317 East Third Street, Amarillo, TX 79101.

No. MC 127539 (Sub-No. 22 TA), filed May 31, 1971. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 11th Street, Tacoma, WA 98421. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fresh hanging meat products,* from Wallula, Wash., to San Francisco, Oakland, Sacramento, Los Angeles, and San Jose, Calif., for 150 days. Supporting shipper: Cudahy Co., Wallula, Wash. 99363. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 129034 (Sub-No. 2 TA), filed May 31, 1971. Applicant: LOOMIS COURIER SERVICE, INC., 55 Battery Street, Seattle, WA 98121. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except currency and negotiable securities) as are used in the business of banks and banking institutions, between points in Multnomah, Clackamas, and Washington Counties, Oreg., on the one hand, and, on the other, points in Clark, Cowlitz, Lewis, Thurston, Pierce, and King Counties, Wash., restricted to transportation service to be performed under a continuing contract or contracts with banks and banking institutions, for 180 days. Supporting shippers: South Sound National Bank, 701 South Sound Boulevard, Lacey, WA 98501; United States National Bank of Oregon, 321 Southwest Sixth Avenue, Post Office Box 4412, Portland, OR 97208; Portland Federal Savings, 444 Southwest Fifth Avenue, Portland, OR 97204, and The Bank of California, 407 Southwest Broadway, Portland, OR 97208. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 134631 (Sub-No. 7 TA), filed June 3, 1971. Applicant: SCHULTZ TRANSIT, INC., Post Office Box 503, 323 Bridge Street, Winona, MN 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Radio, phonograph and stereo cabinets, record changer bases and speaker boxes,* with or without mechanisms, from Winona and Red Wing, Minn., to New York, N.Y., and Los Angeles, Calif., and points in their respective commercial zones, for 180 days. Supporting shipper: Winona Industrial Sales Corp., Winona, Minn. 55987. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 135651 TA, filed June 3, 1971. Applicant: W. O. MOORE, doing business as MOORE & SONS CO., Post Office Box 630, Covington, GA 30209. Applicant's representative: Frank A. Holloway, 902 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *T.O.F.C. Freight trailers containing freight and empty trailers,* from Atlanta, Ga., railroad ramps to Covington, Conyers, Lawrenceville, Lithonia, Monroe, Griffin, McDonough, and Porterdale, Ga., and return. NOTE: trailers loaded at origins will be delivered to Atlanta ramps in or via a regular route; trailers made empty at destinations may be delivered to one of the above points for loading, instead of returning the trailers empty to the Atlanta, Ga., ramps, thus conserving time, mileage, and undue expense to shippers, as trailers would be made empty occasionally at destinations close to an origin where trailers would be loaded instead of shipper having to request a trailer from Atlanta ramps (greater utilization), for 180 days. Supporting shippers: Mobile Chemical Co., Post Office Box 71, Covington, GA 30209; C. E. Glass, 1548 Stone Ridge Drive, Stone Mountain, GA 30083; Cole Steel Equipment Co., 1629 Litton Drive, Stone Mountain, GA 30083; Gulf Equipment Co., 1595 Mountain Industrial Boulevard, Stone Mountain, GA 30083. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 135646 TA filed May 31, 1971. Applicant: JIMMIE W. DERVAN, doing business as DERVAN CARTAGE SERVICE, 321 North Washington Street, Albany, GA 31701. Applicant's representative: Monty Schumacher, 2045 Peachtree Road NE., Atlanta, GA 30309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, in tank vehicles, household goods, as defined by the Commission, and automobiles in primary and secondary service), and *empty trailers,* between Albany, Ga., on the one hand, and, on the other, points in Sumter, Crisp, Randolph, Terrell, Lee, Worth, Turner, Clay, Calhoun, Dougherty, Tift, Early, Baker, Mitchell, Colquitt, Seminole, Decatur, Grady, Miller, and Thomas Counties, Ga., restricted to traffic having a prior or subsequent movement by rail in trailer-on-flatcar-service, for 180 days. Supporting shippers: Smithwick Construction Co., 1001 South Slappey Drive, Albany, GA; Hinman, Inc., 1124 Highland Avenue, Albany, GA; Lilliston Corp., Dawson Road, Albany, Ga.; Georgia Agricultural & Industrial Warehouse, Inc., Sylvester, Ga.; and American Eagle Antiques Corp., Newton, Ga. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 135652 TA, filed June 2, 1971. Applicant: SERVICE TRANSFER, INC., 4557 Princess Anne Road, Virginia Beach, VA 23562. Applicant's representative: L. E. Major, Jr., 421 King Street, Alexandria, VA 22314. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in containers, or trailers and empty containers, trailers and chassis, between all points in the cities of Norfolk, Portsmouth, Hampton, Virginia Beach, Newport News, Chesapeake, and the counties of Isle of Wight, Sussex, James City, York, Gloucester, Nansemond, Surry, Prince George, Charles City, New Kent, Southampton, Mathews, Middlesex, King and Queen, King William, Accomack, Northampton, Northumberland, Richmond, and Lancaster, restricted to the transportation of traffic having a prior or subsequent movement by water, and being performed pursuant to a continuing contract with Uinted States Lines, Inc., for 180 days. Supporting shipper: United States Lines, Inc., 200 East Main Street, Norfolk, VA 23510. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10—502 Federal Building, Richmond, Va. 23240.

MOTOR CARRIER OF PASSENGERS

No. MC 129644 (Sub-No. 3 TA), filed June 3, 1971. Applicant: C & J TRAVEL, INC., 163 Central Avenue, Dover, NH 03820. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations of not more than 11 persons in any one vehicle (not including the driver and children under 10 years of age who do not occupy seats) and general commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Durham, N.H., on the one hand, and, on the other, Logan International Airport at Boston, Mass. Restriction: Service to be subject to the following restrictions: Said operations restricted against the transportation of packages or articles weighing more than 200 pounds in the aggregate from one consignor at one location to one consignee and one location during a single day. Carrier shall conduct separately its for-hire carrier operations and its other business activities. Carrier shall maintain separate accounts and records therefor. Carrier shall not transport property as both private and for-hire carrier in the same vehicle at the same time. Applicant does not conduct any private carrier operations. In addition to its motor carrier operations it operates a travel agency. These restrictions are contained in its present general commodity description, except that weight is limited to 100 pounds, for 180 days. Supporting shippers: University of New Hampshire, Durham, N.H. 03824. Attention: Business Manager, the New England Center for Continuing Education, Durham, N.H. 03824. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-8386 Filed 6-14-71;8:50 am]

[No. 29886]

OFFICIAL—SOUTHWESTERN DIVISIONS

Notice of Petition for Modification of Orders

MAY 18, 1971.

The Commission received on April 1, 1971, a petition for leave to file an accompanying petition on behalf of certain rail common carriers for modification of outstanding orders in the above-entitled proceeding, 287 ICC 553, 289 ICC 235, and 292 ICC 447, so as to depart from the prescribed basis for divisions of revenues to permit the deduction of delivery allowances before prorating rates on carloads of newsprint paper moving from Boise-Southern, La., for delivery by the Chesapeake and Ohio Railway Co., Norfolk and Western Railway Co., and Chesapeake Western Railway at destinations in the States of Virginia and West Virginia.

Petitioners, in support of modification, aver that similar modification was granted on September 1, 1964, in respect to movements of newsprint paper forwarded from Pine Bluff, Ark., to destinations in Virginia and West Virginia on the lines of the Chesapeake and Ohio Railway Co., Norfolk and Western Railway Co., and Chesapeake Western Railway, that a new newsprint paper mill has been recently completed at Boise-Southern, La.; that production has begun and it is essential for competitive reasons that Boise-Southern be accorded the same basis of rates, privileges, rules, and regulations as now in effect from Pine Pluff, Ark., and other newsprint producing points in the South, and that the prescribed basis of divisions is not suitable for application to the services performed by petitioners on newsprint paper.

The petition may be inspected at the office of the Secretary of the Commission, Washington, D.C. General public notification of the filing of this petition will be given by publication of the instant notice in the FEDERAL REGISTER.

Any persons interested in the matters involved in this petition may, on or before 20 days from the date of publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the relief sought. An original and 15 copies of such replies must be filed with the Commission and must show service of two copies upon Mr. J. H. McMahon, Chairman, Southwestern Freight Bureau, 1015 Locust Street, St. Louis, MO 63101. Thereafter, the Commission will proceed to dispose of the matter, including the observance of any additional requirements that appear warranted to assure due process of law. It is not contemplated that there will be any further general public notification published in the FEDERAL REGISTER of the succeeding procedural handling of this proceeding. Subsequent orders entered herein will be served solely on persons responding to this notice and on petitioner.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-8329 Filed 6-11-71;8:54 am]

CUMULATIVE LIST OF PARTS AFFECTED—JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

Page

PROCLAMATIONS:

4057 ... 10769
4058 ... 10839
4059 ... 11077

EXECUTIVE ORDERS:

May 27, 1913 (revoked in part by PLO 5064) ... 11098
11513 (amended by EO 11597) ... 11501
11596 ... 11079
11597 ... 11501

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

Reorganization Plan No. 1 of 1971 ... 11181

5 CFR

213 ... 10771, 10948, 11081, 11270–11271

7 CFR

51 ... 10771
55 ... 10937
56 ... 10937
59 ... 10841
70 ... 10937
215 ... 10937
910 ... 11421
719 ... 11271
722 ... 10772
725 ... 10772
760 ... 11279
777 ... 11019
905 ... 11281
908 ... 10721, 10733, 11019, 11205, 11509
910 ... 10773, 10937, 11019, 11421, 11509
911 ... 10721
915 ... 11509
916 ... 11206
919 ... 11206
923 ... 11020
944 ... 10774
953 ... 10841
959 ... 10938
1090 ... 10775
1098 ... 10775, 11511
1103 ... 10775, 11511
1104 ... 10775, 11511
1106 ... 10775, 11511
1421 ... 10777, 11081
1488 ... 11081

PROPOSED RULES:

201 ... 11451
909 ... 11103
915 ... 11043
917 ... 10979, 11103
921 ... 11104
944 ... 10740
999 ... 11519
1030 ... 11352
1032 ... 11352
1040 ... 11455
1046 ... 11352
1049 ... 11352
1050 ... 11352
1062 ... 11352
1063 ... 11211
1070 ... 11211
1078 ... 11211
1079 ... 10879, 11211
1094 ... 10980
1099 ... 11352
1136 ... 11104

8 CFR

Page

PROPOSED RULES:

211 ... 11296
242 ... 11296

9 CFR

74 ... 10841
76 ... 10842, 10843, 11020, 11421, 11422, 11508
79 ... 10844

10 CFR

40 ... 10938
50 ... 11423
115 ... 11423
150 ... 10938

PROPOSED RULES:

50 ... 11113

12 CFR

222 ... 10777, 10778
265 ... 10778, 10779
505 ... 11185
541 ... 10722, 11281
545 ... 10722, 10723, 11281
556 ... 10723
561 ... 10724
563 ... 10724, 10939, 11428
564 ... 11512
582 ... 10725
582b ... 10725
672 ... 11428
673 ... 11428
741 ... 10844
748 ... 10940, 11512

13 CFR

PROPOSED RULES:

121 ... 11525, 11526

14 CFR

39 ... 10779, 10780, 10946, 11185, 11186, 11428, 11512
71 ... 10781, 10946, 10947, 11081, 11187, 11188, 11429, 11513
73 ... 11430
75 ... 10781, 11081
97 ... 11021, 11430
374 ... 11189

PROPOSED RULES:

1 ... 11218
39 ... 10801, 10984, 11303, 11522
43 ... 11218
47 ... 10801
71 ... 10741, 10802, 10984, 11218–11222, 11523, 11524
75 ... 10984
91 ... 11218
121 ... 11456
249 ... 10803
371 ... 10803
399 ... 10806

15 CFR

370 ... 10845
372 ... 10845
373 ... 10845
379 ... 10846

15 CFR—Continued

Page

PROPOSED RULES:

1200 ... 10980

16 CFR

1 ... 11082
13 ... 11281–11291
500 ... 10781
501 ... 10846, 11082

17 CFR

240 ... 11513

18 CFR

101 ... 11431
104 ... 11431
105 ... 11431
201 ... 11431
204 ... 11432
205 ... 11432

19 CFR

10 ... 10726, 10727
13 ... 10727
16 ... 10727
22 ... 10847
54 ... 10727

PROPOSED RULES:

153 ... 11526

20 CFR

01 ... 11432
3 ... 11432
25 ... 11433
405 ... 10848

PROPOSED RULES:

422 ... 10880

21 CFR

1 ... 11022
2 ... 10728, 11433
3 ... 11022, 11514
28 ... 10781
121 ... 10728, 10947
130 ... 11022
135a ... 10947
135b ... 10850, 10947
135e ... 11190
141 ... 11515
145 ... 11516
146 ... 11022, 11516
148 ... 11516
148b ... 11292
148k ... 11292
148w ... 11433
149v ... 11434
151g ... 11516
191 ... 11190
420 ... 10851, 11293, 11517

PROPOSED RULES:

1 ... 11217
3 ... 11521
121 ... 10983
125 ... 11521
130 ... 10983
191 ... 11044

24 CFR

17 ... 11024
60 ... 10781
200 ... 10781
1914 ... 11083, 11269
1915 ... 11083, 11270

LIST OF FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	*Date*
10715–10762	June 2
10763–10832	3
10833–10929	4
10931–11011	5
11013–11070	8
11071–11173	9
11175–11261	10
11263–11413	11
11415–11494	12
11495–11551	15